Vol. XI., Nos. 6, 7. 1916

Bulletin

OF THE

INTERNATIONAL LABOUR OFFICE

NOTES ON THE LAWS AND ORDERS CONTAINED IN VOL. XI., NOS. 1-5

WAR EMERGENCY LEGISLATION.

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SUMMARY.

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1. National Labour Legislation

1.0. Labour Legislation of General Application

1·00. FACTORIES AND WORKSHOPS.

FRANCE. Volume VIII., p. LXXI. of the BULLETIN contained a detailed description of the circumstances under which Book I. of the French Code of Labour was applied to the Colony of Martinique. Two of the further Draft Orders for the protection of the workers there mentioned have meanwhile been brought into operation, namely, a Decree of 9th November, 1912, setting up a Court of Arbitration in Fort de France, and a Decree of 12th February, 1913 (Extract E.B. XI., p. 74), respecting the application of Book II. of the Code of Labour (conditions of work, health and safety of the workers, inspection) to the Colony. On the other hand, a Draft Order respecting the application of the two Books of the Code of Labour to Guadeloupe, in accordance with the wishes of the Committee on Colonial Labour Legislation, was submitted to the General Council of the Colony in question, and resulted in the issue of the Decrees of 4th and 7th September, 1913. (Extract E.B. XI., p. 83.)

As far as Book I. of the Labour Code is concerned, the regulations of Martinique and Guadeloupe are identical. With reference to Book II., there is a difference, namely, in Martinique night-work begins at 9 p.m. and finishes at 5 a.m.; while the Guadeloupe law goes further, and work between 8 o'clock in the evening and 6 o'clock in the morning counts as night-work. The system of inspection is also somewhat differently regulated. The essential points in common in the regulations are :—The age of admission for children is fixed at 13 years; but the age limit may be reduced to 12 years on completion of the prescribed elementary education (certificates of fitness required). Children under 18 years and women may not be employed for more than 10 hours a day in factories, workshops, or stone quarries; the inspector may grant exceptions for not more than two hours on not more than 30 days in the year. Children under 18 years and women may not be employed on night-work in factories, workshops, or stone quarries, and they must have a minimum night's rest of 11 hours. Sunday work is also prohibited to these protected classes. Children

under 13 years of age may not be employed in public performances. Whereas in Martinique, the controllers of bridges and roads are entrusted with the carrying out of these regulations, in Guadeloupe the necessary officials are selected from the body of metropolitan inspectors, or appointed by competition.

The scope of the application of Book I. of the Code of Labour has also been extended to Algeria. The only two variations in the existing law allowed by the Decree of 19th January, 1915 (Text E.B. XI., p. 100, No. 44), by which this extension was introduced, are to the effect that, under certain conditions to be laid down by the Governor-General, the establishment or maintenance of truck shops may be allowed in works far removed from victualling centres, and also that the existing fees for the registering of contracts of apprenticeship shall be maintained.

TUNIS. The first step towards the introduction of labour legislation in Tunis was taken in 1908, when a Labour Office with the duty of preparing such legislation was created in the Department of Agriculture, Commerce and Colonisation—a reform for which the workers had been pressing for many years. The creation of the Labour Office met likewise with the approval of the Italian Colony ; the Italian Consul-General had, indeed, lost no opportunity of pointing out that the immigration of Italian workers might be checked if they were not given adequate protection.

On 17th July, 1908 (see *Bulletin de l'Office du Travail*, 1908, 765), two Decrees were issued by the Bey of Tunis respecting the weekly day of rest and the prevention of accidents.

The Decree respecting the day of rest contains the following essential points :—Every occupier of a commercial or industrial undertaking must grant his workers or employees 52 days of rest yearly. The distribution of the days of rest is left to the employer, provided that workers or employees drawing yearly or monthly salaries must have at least one whole holiday, or two half-holidays, every 14 days. The remaining days of rest may be allowed all together in one continuous holiday. For workers or employees working by the day, the work must be so organised that they are granted, every 14 days, two whole holidays or one whole and two half-days free. Both classes must be allowed at least 26 whole days of rest in a year. The owner of the establishment must keep a register showing the names of the persons concerned and the days of rest granted to them. The Decree respecting accidents makes the employer liable, in the case of industrial accidents, to bear the cost of medical attendance and medicines from the first day after the accident, and funeral expenses in the case of death resulting from the accident. The choice of doctor is free ; the employer has only to defray the costs, in accordance with a fixed scale.

In 1909 a system of inspection was instituted (one man and one woman inspector). A Decree dated 22nd July, 1909, fixed the doctors' fees for their services in respect of industrial accidents. (Cf. *Bulletin de l'Office du Travail*, 1910, 1228). At the same time a scale of charges for hospitals and chemists was fixed. The question of workmen's compensation has been investigated, with the result that the regulation of this matter on the plan of voluntary insurance, in accordance with the principles of the French Act of 12th April, 1906 (Text E.B. I., p. 183), is recommended.

Further progress was made by the Decrees of 15th June, 1910, especially the Decree regulating work in industrial and commercial establishments (Text

E.B. XI., p. 5*). This Decree was modelled on the corresponding French legislation. The Decree is equivalent to the Act of 1848, supplemented by the Act of 30th March, 1900, and the Decree of 28th March, 1902 (Text F.B. I, p. 269); the Act of 2nd November, 1892, respecting the employment of women and children; the Berne Convention respecting the prohibition of the night-work of women, dated 26th September, 1906 (Text E.B. I., p. 272); and the Act of 29th December, 1900, respecting seating accommodation. Even some provisions of the Government Bill of 1906 were included; but the Decree provides for a larger number of exceptions than the French legislation. The scope of the Act covers factories, workshops, yards, mines, and quarries Exceptions are only allowed for domestic workshops where motor power is not used, and the work carried on is not classed as dangerous. The hours of work are fixed at 10 hours, with breaks of at least one hour's duration altogether. On 60 (in the case of open-air industries, on 90) days in the year workers of either sex over 16 years of age may be employed for not more than two hours' overtime. For workmen employed in connection with machines and cleaning machinery, one hour's extension of work is admissible. Special exceptions to the regulations respecting the daily hours of work, breaks for rest, and night-work may be allowed for adult men and boys in continuous industries. The Director of Agriculture, Commerce, and Colonisation has power to grant these exceptions, after consultation with a technical commission, which is to be created. In order to prevent imminent accidents, or in the case of *force majeure*, the employer may extend the hours of work; if the normal period of employment is increased on more than two consecutive days, the inspector must be informed. In addition, when an establishment has been compelled to suspend work, the hours of work of the staff may be temporarily extended by two hours on not more than 20 days in the year. Children may not be employed without certificates of fitness. The inspectors of labour have the right to require the removal of children under 12, if the work is beyond their strength. They have the same right as regards children of from 12 to 16 years of age, if supported by a medical report. Children under 16 and women may not be employed at night (between 9 o'clock p.m. and 5 o'clock a.m.); the night's rest of women must consist of 11 consecutive hours, including the period stated above. Children under 12 may not be employed in public performances, and under 16 they may not take part in acrobatic feats. Girls and women may not be admitted to work underground in mines and quarries; the employment of boys is to be regulated by Decree (see below). In mines and quarries specified by the Director-General of Public Works as those for which, by reason of their natural conditions, exemption from the provisions respecting the prohibition of night-work is necessary, children may be permitted to work from 4 o'clock in the morning until midnight, under the express condition that such children will not be employed for more than eight hours of actual work, nor remain in the mine for more than 10 hours in 24. In commercial establishments the daily work of all persons must be followed by an uninterrupted period of rest of not less than 10 hours. Transport undertakings (other than railways and sea-navigation enterprises) must, within six months from the promulgation of the Decree, arrange for a 10-hour day and submit employment tables to the authorities. The classes of work prohibited to women and children, and those permitted only under certain conditions, are to be laid down by Order. According to regulations contained

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* For the other Decrees referred to, see under 1·05, Payment of Wages; 1·11 Mines; 1·13, Manufacture of Lighting Materials.

in Part III., respecting measures for the protection of health and safety, women may cease to work for eight weeks altogether before and after their confinement, without the employer being at liberty to regard this as a breach of contract. Women must be allowed to nurse their infants in a special room attached to the workplaces ; a special room for nursing infants must be provided in all undertakings employing at least 50 women. In shops, seats equal in number to that of the women employed must be provided. The parents or guardians of children of European nationality, under 16 years of age, must be given an identification book, which the heads of undertakings must keep, and produce to the inspector on request. In charitable institutions a complete statement of the names of the children brought up there, and their hours of work, must be kept, and presented to the inspector on request. Particulars of the hours of work must be posted up in all industrial and commercial establishments subject to the Decree. The heads of the Labour Office and the inspectors have the duty of supervising the observance of the law, under the authority of the Director of Agriculture, concurrently with the officers of the judicial police.

1·01. PROTECTION OF CHILDREN, YOUNG PERSONS AND WOMEN ; APPRENTICESHIPS.

FRANCE. By the Decree dated 14th July, 1913 (extract E.B. XI., p. 79, No. 11), the assistance of large families was regulated in France in such a manner that the departments, with the assistance of the communes and the State, are required to make arrangements to administer the law. An annual grant of from 60 to 90 francs for each child under 13 years of age is made to all heads of families of French nationality having more than three children under the age of 13 years to provide for, and whose means are not sufficient to bring them up. Apprentices of from 13 to 16 years of age are treated as children under 13. In the case of the death or disappearance of the father, the benefit is payable to every child after the first. The municipal council may decide that the grant shall be given in the form of a contribution to the rent, or in kind. The Act follows, in its main features, the lines of the Act of 14th July, 1905 (Text F.B. IV., p. 377), respecting the assistance of the aged. The Act further requires the communes to make use of the cheap-dwellings societies, especially in the case of large families ; in this case the State subsidy amounts to one-half of the municipal subsidies ; the municipal subsidy may, for 30 years, amount to as much as 2 per cent. of the cost price of the building. The expenses of administering the Act are to be borne, to the extent of two-fifths, by the State, and three-fifths by the departments and communes. A Circular, dated 24th July, 1913 (Title E.B. XI., p. 79, No. 12), explains the whole Act ; and another, dated 12th August, 1913 (Title E.B. XI., p. 83, No. 17), deals with questions arising in connection with the privileges mentioned above granted in case of children of from 13 to 16 years of age who are legally apprenticed. A Decree of 4th December, 1913 (Title E.B. XI., p. 85, No. 30), contains more detailed provisions as regards the form of the contracts of apprenticeship, the drawing up of lists of trades in which apprenticeship is customary, the regular production of evidence respecting the continuation of the apprenticeship, etc.

SWEDEN. An Order, dated 31st December, 1912 (Text E.B. XI., p. 25), issued in pursuance of §§17 and 52 of the Act of 29th June, 1912 (Text E.B. VIII, p. 84), respecting the protection of labour, provides that young persons under the age of 18 years must not be employed in charge of steam boilers or motors,

or in cleaning or oiling machinery or driving bands in motion, or in removing bands from or putting them on to shafting in motion, unless the occupier has adopted some special mechanical apparatus for this purpose.

[See also :—1·00, France (Martinique, Guadeloupe, Algeria, Tunis); 1·02, Luxemburg; 1·04, France; 1·08, German East Africa; 1·11, France (Tunis); 1·14, France; 1·19 Germany (Bavaria).

1·02. HOURS OF WORK; SUNDAY REST.

LUXEMBURG. A resolution, dated 21st August, 1914 (Text E.B. XI., p. 16, No. 2), for the enforcement of §§4, 5, 6, 8, and 9 of the Act of 21st August, 1913, respecting the day of rest (Text E.B. IX., p. 106), contains a number of detailed regulations of which only the most important can be mentioned here. As a rule (*cf.* §4 of the Act), persons employed in retail businesses and ministerial offices may work on Sundays for four hours, namely, between the hours of 8 a.m. and 12 noon. On six festivals all employment is prohibited; on six special Sundays persons in retail businesses may be employed from 8 a.m. until 6 p.m. In a number of trades the employment of persons at hours other than between 8 a.m. and 12 noon may be allowed; for instance, in bakeries and confectionery businesses, from 4 a.m. until midday; in town cookshops and in undertakers' businesses, for eight hours in the period between 8 a.m. and 8 p.m.; in the sale of newspapers and books inside railway stations, between 7 a.m. and 7 p.m.; in public bathing establishments, from 6 a.m. until midday; in barbers' shops, from 7 a.m. until 2 p.m.; in photographic workshops, from 9 a.m. until 6 p.m. Exemptions from the prohibition of Sunday work in industrial and commercial undertakings laid down in §1 of the Act (*cf.* §5 of the Act) are granted by the Order for undertakings using wind or water power as well as brickfields and preserving factories, so that they may employ their workers on 10 Sundays a year; in addition, clothing and millinery workrooms may employ their workers on 12 Sundays in the year; and, provided they notify the industrial inspector and the police, they may employ their staff on Sundays for not more than 10 hours in the case of mourning orders. None of these exceptions and modifications apply to children under 16 years of age. According to §7 (8) of the Act, exceptions to the prohibition of Sunday work may be granted to "industries in which, owing to their nature, the work cannot be interrupted or delayed." In pursuance of this Section, the resolution mentions a number of processes in blast furnaces, pottery factories, and brickfields, cement factories, breweries and maltworks, powder and explosive factories, which may be performed on Sundays. Workers and employees who, in consequence of one of the exceptions mentioned, are employed on Sundays otherwise than as a temporary arrangement, for more than three hours, must be granted in rotation a compensatory rest, which must consist either of 24 hours every two weeks, or two half-holidays every two weeks.

PANAMA. By an Act, dated 29th October, 1914 (Text E.B. XI., p. 24), an eight-hour day for workers and commercial employees was introduced in Panama; nevertheless, owners of establishments in which, from their nature, a larger number of hours of work is necessary may make agreements with their workers to work overtime for which they are specially paid. A clause must be included in all public contracts to the effect that the contractors must employ at least 50 per cent. of national workers. Workers may only be employed on Sundays with their own consent; but this rule does not apply to works in which continuous work is essential, or in which interruption

liable to cause injury to public interests, or in the case of *force majeure*. Commercial establishments must allow their employees at least 12 hours' rest, and a break of two hours in the middle of the day. Shops, etc., must remain closed between 9 o'clock p.m. and 5 o'clock a.m., and on Sundays. Exceptions may be granted for the sale of articles of daily necessity and newspapers, and in the case of chemists' shops in which adult male persons serve. Owners of commercial establishments in which, from their nature, night-work is necessary must keep two shifts of employees. Night-work must not amount to more than eight hours. In hotels, restaurants and hairdressers' and cigar shops which remain open after 9 p.m., customers must be served by the owner or by employees who have especially contracted to do so. The employment of young persons under 14 years of age is prohibited in arduous work, in public houses, restaurants, or commercial establishments, and of young persons under 18 years of age in establishments where intoxicating liquors are sold.

URUGUAY. By a Decree, dated 17th November, 1915 (Text E.B. XI. p. 29), containing only eight Sections, the eight-hour working day was introduced in Uruguay. The Decree applies very widely, namely, to factories, works of construction, industrial and commercial establishments, and works on behalf of the State. In special cases, by giving notice to the authorities, the daily hours of work may be extended, subject to the limit of 48 hours per week. If workers are employed by more than one establishment, the total number of hours worked per day must not exceed the number allowed by the Act. Twenty-five inspectors are to supervise the observance of the Act. The first Section of a comprehensive administrative Order, dated 31st January, 1916, (Text E.B. XI., p. 144), defines the time of "actual work" more exactly and contains provisions respecting the calculation of the hours of work of persons with supervisory duties, overseers, engineers, and stokers in non-continuous industries, and of persons engaged on works of construction who have to cover a considerable distance in order to reach the workplace. The Order excludes from the Act agriculture, personal service, and cab-driving, and also the managers of undertakings not bound to keep regular hours of work, and workers or employees who share in the profits of the undertaking, and whose earnings amount to at least 3,000 pesos a year. In order that, in small undertakings, a shareholder may not be regarded as a worker or employee, his minimum share must amount to a definite percentage of the profits of the principal, for which purpose §8 of the Order contains a detailed scale. If, as a result of special circumstances, the workers cannot cease work after eight hours, the work may be continued, provided that not more than 48 hours are worked in six days. In such cases a notification must be sent to the administrative authority stating the reasons for the overtime and the maximum number of hours of uninterrupted work. In the case of the following persons regular hours of work are not compulsory, provided, however, that the 48-hour week is not exceeded :—Workers in salting and refrigerating works, brick kilns, and coasting boats ; commercial travellers, etc. ; and other employees who act with relative independence away from the principal place of business ; vehicle drivers who are not excepted by the Act ; the staffs of railway trains and trams ; workers who are employed in cases of *force majeure*, or in technically continuous processes ; and workers employed in the loading and unloading of sea-going ships. The workers may be employed, subject to their own consent, for not more than nine hours a day on five days in the week, in businesses in which they are required to work only three hours on the sixth day. Workers engaged in work requiring uninterrupted manipulation or attention must be allowed

at least one hour's rest after not more than five hours' work ; in factories and workshops, likewise, not more than five hours may be worked without interruption, and the workers must be allowed a minimum rest of at least two hours before the conclusion of the eight-hour working day. Commercial employees who work less than eight hours must be allowed a break of at least one hour after four hours' work. For further details of the method of regulating the breaks reference should be made to the text of the Order. The inspectors may enter establishments during hours of work, and question the employers and workers. They are required, in carrying out their duties, to take care to cause as little disturbance as possible to the work.—A Decree of 21st February, 1916 (Text E.B., XI., p. 149, No. 2), regulates the period of rest of bank employees by requiring that, in the case of eight hours' work, the breakfast interval shall count as a legal break, and amount to at least one and a half hours ; but, on the other hand, in the case of six hours' work, which, as a rule, does not begin until after breakfast, half an hour's break has to be inserted in the six hours' period of employment.—In order to prevent abuses in the distribution of hours of work and breaks in bakeries, a ministerial decision, dated 22nd February, 1916 (Text E.B. XI., p. 149, No. 3), provides that the interval for rest in this industry shall not exceed two hours, and shall be so arranged that the hours of work and breaks together amount to not more than 10 hours in the day.—In a further Decree, dated 25th February, 1916, the President ordered the introduction of the eight-hour system in the shoe industry, because the workers would not give their consent to nine hours on five days and three hours on the sixth day.—Finally, a Decree, dated 22nd March, 1916, lays down the rule that Sundays and festivals shall not be reckoned within the " period of six days " within the meaning of the Act, except as far as concerns businesses carried on continuously, such as railways, cafés, and hotels.

1·03. INDUSTRIAL HYGIENE ; PREVENTION OF ACCIDENTS.

AUSTRIA-HUNGARY : Austria. A Ministerial Decree, dated 17th December, 1913 (Text E.B. XI., p. 67, No. 1), requires stricter supervision of the enforcement of the Order dated 26th April, 1909 (Text E.B. IV., p. 71, No. 8), which allows the importation and sale of lead colours and cement only on condition that the fact that they contain lead is clearly indicated.

FRANCE. The Decree, dated 28th July, 1904 (Text E.B. III., p. 326, No. 3), respecting the sleeping accommodation of the staffs of industrial and commercial establishments coming under the Act of 12th June, 1893, respecting the health and safety of workers in industrial establishments was adapted by a Decree, dated 11th August 1913 (Text E.B. XI., p. 81, No. 16), both to the Act of 26th November, 1912 (Title E.B. VIII., p. 288, No. 35), respecting Book II. of the Code of Labour, and also to the amendments introduced into the said Code by the Act of 31st December, 1912 (Text E.B. VIII., p. 288, No. 37). The principal point of the Decree is the addition of a Section fixing minimum time limits for carrying out the official instructions of the labour inspectors. The other amendments affect merely the form of already-existing provisions.—In pursuance of §11 of the Decree, the text of a notice respecting measures for the prevention of tuberculosis in dormitories was issued by an Order, dated 13th August, 1913 (Title E.B. XI., p. 83, No. 18).

In pursuance of the Decrees dealing with industrial hygiene dated 1st October, 1913 (*cf.* the statement contained in E.B. IX., p. XIV.), ministerial Orders were issued on 9th October, 1913 (Titles E.B. XI., p. 84, Nos. 23–28), five of which contained the text of notices (dangers of mercurial poisoning in

fur-cutting works, dangers of anthrax infection, precautions to be taken in the use of cement, instruction in first aid for the victims of electrical accidents, duration of work in compressed air, and the treatment of compressed air illness), whilst the sixth contains detailed regulations respecting the contents of the bandage box prescribed for the prevention of anthrax.

Sections 8 and 18 of the Decree dated 10th July, 1913, which, in pursuance of Book II. of the Code of Labour, prescribes the measures to be adopted in the interests of safety and health, were supplemented by a Decree dated 29th March, 1914, respecting the dangers of alcoholism. In the first place it is prohibited in principle to bring alcoholic drinks into, and distribute them in, works coming under the Act (manufactories, factories, works, yards, workshops, laboratories, kitchens, cellars, stores, shops, offices, loading and unloading works, theatres, circuses and other show places). The only drinks exempted from the prohibition are the so-called " hygiene alcoholic drinks " mentioned in §1 of the Act of 29th December, 1897, to repeal the municipal tolls, namely, wine, beer, cider, perry and hydromel. In the second place, the Decree requires employers to keep drunken persons, whether workers or outsiders, away from workplaces coming under the Act.

GERMANY : German East Africa. The so-called " Accident Prevention Order," dated 6th July, 1912 (Text E.B. XI., p. 61. No. 1), requires the occupier of an industrial undertaking to maintain the workrooms, working appliances, machines and tools, and to organise the undertaking in such a manner that the workers are protected from danger to health and life, so far as the nature of the undertaking permits, taking into consideration the special local circumstances. In particular, he must install appliances to protect workers from coming into dangerous contact with machinery, or other dangers arising from the industry. The local administrative authority has power to order the adoption of measures to this end. Serious accidents must be reported by the occupier without delay.

NETHERLANDS. The so-called " Safety Act " of 20th July, 1895, has been amended by an Act dated 19th June, 1915, the particular object of which was to strengthen the provisions of the Act respecting protection against accidents caused by fire, prevention of occupational diseases, protection against poisoning and infectious diseases. The Government brought their Bill before Parliament on September 12th, 1914; the Second Chamber adopted it on 19th May, 1915; the First Chamber on 18th June, 1915. The text of the Safety Act in its new form is published by the Decree of 2nd July, 1915. The principal amendments are the following (*cf.* Maandschrift van het Centraal Bureau voor de Statistick 1916, 482) —In §1 which defines factories and workshops, Sub-section (1) is amended so that now rooms where work is carried on in or on behalf of some undertaking where five (formerly 10) persons are present come within the scope of the Act. The number five originated in a compromise moved by Tienstra in opposition to a motion of Albarda and Schaper, which would have brought the number down to two. Further, Sub-section (2), which subjected flax-breaking and swingling to the Act, has been extended to all closed rooms, where in or on behalf of some undertaking flax is broken or swingled, even when such rooms belong to agricultural undertakings. Finally, in a fourth Sub-section, land drainage installations are included. To the questions which can be regulated by Order, the Act adds the provision of cloakrooms and the height of workplaces, whilst those respecting renewal of air have been deleted. On the other hand, the Act includes the following amongst the points as regards which measures to be adopted by the owner or manager of the works when required

to do so by the chief inspector of factories for the district may be laid down by Order, the provision of adequate ventilation without injurious draught, the provision of facilities for escape in case of fire, and the prevention of poisoning, infection, or occupational diseases. There is likewise a new regulation requiring the owner or manager of a factory, in conformity with instructions given by the chief inspector of labour for the district, to provide facilities for persons to be medically examined without any other person being present. Finally, turf works are no longer excluded from the Act. In §28 a provision is added to the effect that, although the Act does not apply to agriculture, forestry, horticulture, or cattle-keeping, it applies to factories in which products of these undertakings are manipulated (such as dairies, factories for the manufacture of potato meal, strawboard, beetroot sugar, chicory and yarn, grain mills, grain and seed cleaning and sifting works). A motion, introduced by Albarda and Schaper, to bring agriculture, horticulture, forestry and cattle-keeping under the Act was rejected by 45 to 13 votes.

[See also :—1·00, France (Tunis); 1·01, Sweden; 1.12, France; 1·17, France 1·18, France.]

1·04. HOMEWORK.

FRANCE. A decree Dated 24th September, 1915 (Text E.B. XI., p. 1), contains public administrative regulations in pursuance of the Act of 10th July, 1915 (Text E.B. X., p. 201), respecting the wages of women home-workers in the clothing trade. They regulate the publication of the decisions of the various authorities, such as the labour councils, departmental wages committees and committees of industrial experts, the appointment and work of the Central Commission, and financial questions connected with the work of the Central Commission.

GERMANY. The Order of 18th June, 1914 (Text E.B. IX., p. 292), establishing industrial committees for home-work, excluded persons not belonging to the trade (thus including trade union secretaries) from being nominated as representatives of the workers. A Notification, dated 27th March, 1916 (Text E.B. XI., p. 57), removes this restriction and merely provides that the representatives of the employers or home-workers shall be of German nationality and have completed the thirtieth year of their age. Industrial employers, that is, industrial contractors who, as a rule, employ at least one home-worker, may not be appointed as representatives of home-workers.

1·05. PAYMENT AND PROTECTION OF WAGES; MINIMUM WAGE.

FRANCE. An Act dated 2nd April, 1914 (Text E.B. XI., p. 94, No. 35), which originated in the draft bills introduced by Armez and A. Weber, requires all owners of commercial or industrial undertakings who require their workers or employees to deposit as security sums of money amounting to, or less than, 1,500 francs, to mention the exact sums thus deposited in a special register signed by the worker or employee, and to pay these sums within five days, in the names of the workers or employees, into a special account of the National Savings Bank, or some other savings bank. The register must be placed at the disposal of the inspector of labour on request. The Justice of the Peace may authorise the employer to draw out from the deposits the sums necessary to make good a debt. The employees must be informed of this authority and given five days in which to raise an objection. In this case the Justice of the Peace must summon both parties to appear before him, and decides without appeal. If the employer refuses to restore the deposit book the employee may appeal to the Justice of the Peace. Securities exceeding 1,500 francs in ready

money or payable to bearer must be entered in the register and be deposited within five days in the Deposit Fund by the employer, with a statement of the nature of the deposit and its special purpose.

Tunis. A Decree dated 15th June, 1910 (Text E.B. XI., p. 12), requires the payment of wages to be made in legal currency. The wages of workers must be paid twice a month (at intervals of not more than 16 days), those of employees once a month. Piece-workers have the right to receive instalments every 14 days, and must be paid in full during the fortnight following the completion of the work. Wages may not be paid in public-houses or retail shops.

GREECE. The Act of 24th January/6th February, 1912 (Text E.B. VII., p. 290), respecting the payment of the daily wages of workers and the salaries of servants and employees was modified by the Act of 26th March/8th April, 1914 (Text E.B. XI., p. 13, No. 1), in so far as deductions from wages are concerned. Deductions from wages for articles of food or other important necessities supplied by the employer may accordingly be made with the permission of the Superior Labour Council, provided that certain conditions have been observed. The amending Act also modifies the rule respecting the use to which fines are to be put. These fines must be deposited in a workmen's benefit fund existing in the undertaking, one-half of the administrators of which are representatives of the workers, or in the "Workmen's Provident Fund" in the Bank of Greece, the use of which is to be regulated by a special Act.

[See also :—1·00, France (Algeria); 1·07, Austria; 1·08, German East Africa.]

1.06. CONTRACTS OF WORK.

AUSTRIA-HUNGARY : Austria. The amendment of the law relating to contracts of service which had been under consideration for some 15 years was effected in connection with the revision of the general Civil Code. The general Civil Code of Austria dates from the year 1811. In the course of years it was indeed supplemented in various respects by special Acts, but the Bill of 1907 (XVIII., Session 1907, Appendix No. 29, House of Lords) was the first to extend to all parts of the civil law. The special Act of 1901 to supplement the regulations as regards the contracts of service of persons employed in hospitals, of teachers and other persons engaged in domestic or personal services of a higher order (XVII., Session 1901, Appendix No. 1104, House of Representatives) had prepared the way for the proposed amendments as regards contracts of service. In the Bill of 1907 the provisions respecting contracts of service formed Part VII. (§§150-180). The Government Bill of 1907 to amend and supplement certain provisions of the general Civil Code was then twice submitted to Parliament by the Government without modification. The House of Lords concluded their consideration of the matter in 1912 (*cf.* the report of the Commission XXI., Session 1912, Appendix No. 78, House of Lords). The House of Representatives was prevented from dealing with the Bill by the outbreak of the war. It is consequently the resolutions of the House of Lords which form the basis of the Imperial Order of 19th March, 1916 (Extract E.B. XI., p. 68, No. 4), which, in addition to provisions relating to personal and family matters and inheritance, contains chiefly provisions relating to real property and obligations, and in particular entirely remodels the regulation of contracts of work and service in Title 9.

The Government report contains the following statement as regards this amendment of the law relating to contracts of service : " Another immediate necessity in connection with the amendment of the law of obligations is that of the up-to-date regulation of contracts of service, which are regulated in the Civil Code in a manner which no longer corresponds in the least to existing conditions, and in respect of which the law needs to be thoroughly amended in its general principles in order to provide a firm general basis in accordance with present views for the necessarily special treatment of contracts of work in the different branches of business " (p. 61 of Appendix No. 29, House of Lords). For this purpose, as is pointed out in the Government report, the proposals contained in the special Bill of 1901 could be used in great part. " They correspond approximately to what applies as regards contracts of service at the present day in the German Empire, with, however, this difference, that the protective provisions of the Bill, especially those relating to minimum terms of notice, unlike those contained in the German Civil Code, are to be compulsory, since optional provisions of this kind would in practice be of less value to persons placed in a weak economic position for whose benefit they are intended " (p. 141, Appendix No. 29, House of Lords).

The provisions of the amending Act relating to contracts of service* apply to contracts of service existing on 1st January, 1917. They do not apply to the contracts of service of persons engaged as officials or servants of the Court, of the State, of a State Institution, of a province, district, commune or public fund. The application of the existing special Acts is likewise not affected, namely, those of the general Mining Act, of the Industrial Code, of the Act of 28th July, 1902 (Text G.B. I., p. 405, No. 3), respecting the regulation of the working conditions of persons employed in railway works undertaken on behalf of the State and in works subsidiary to the same, of the Commercial Assistants Act of 16th January, 1910 (Text E.B. V., p. 202), of the Estates Officials Act, dated 13th January, 1914 (Text E.B. IX., p. 109, No. 1), of the Servants and Domestic Code, and, as regards the supervisory and disciplinary rights of the railway authorities, of the regulations of the Railway Management Order and the organisation rules for the State railway administration. But the new Civil Code supplements the law regulating even these branches of service, since §153 provides that " in so far as no provisions respecting the contract of service are included in the existing special legal regulations for specified services the provisions of §150 shall apply."

The interval at which salaries must be paid (§§1154, 1154*a*) is fixed by agreement or by the custom prevailing in employments of the kind in question. In the case of time wages, the amending Act fixes particular periods for payment, in accordance with which the salary must be paid at the conclusion of each period of work, or at the end of every calendar month according to whether the salary is calculated by the month (or shorter periods) or in respect of longer periods. Salaries calculated by the hour, by the piece, or for particular services, have to be paid as regards each piece of work already completed at the end of each calendar week, or in the case of services of a higher order, at

* Amongst the general provisions as regards contracts §90 of the Order is worthy of note, which broadens the rule contained in §879 of the General Civil Code respecting the invalidity of contracts. In future a contract is void " if any person exploits the frivolity, constrained position, mental deficiency, inexperience, or mental excitement of another person by causing him to promise to grant to himself or to a third person, in return for a consideration, a counter-consideration, the value of which is in striking disproportion to the value of the consideration." This provision applies, as is stated in the Report of the House of Lords Commission (p. 142), also to wages contracts.

the conclusion of each calendar month. Employees paid by the piece, or for particular services, may demand advances. Although the service has not been performed the employee is entitled by §1154*b* to receive his salary if he was prevented from working (a) after at least 14 days' service, on account of sickness or accident not caused by his own deliberate act or gross negligence, for a comparatively short period, not exceeding one week; or (b) in consequence of other serious reasons for which he is not to blame. Notwithstanding the employer may deduct a certain part of the sickness benefit received by the worker. Attempts to include this §1154*b* among the compulsory provisions which, in the Committee on Judicial Affairs, was supported especially by Dr. Fr. Klein (who was at the time President of the Austrian Section of the International Association for Labour Legislation) met with no success. The Committee adhered in this case, as in others, to the principle, "that even undertakings which are subject to the standard laid down by the general Civil Code show incalculable differences and that consequently, although it is expedient for legislation to lay down certain regulations affecting the form of the contracts, yet there are objections to making these regulations absolute in all cases" (pp. 217-220, Appendix No. 78, House of Lords). In accordance with §1155, the employee is entitled to his salary even if he is prevented from performing his services by circumstances depending upon the employer, but in such cases allowance may be made for anything saved or earned as a result of the non-performance of the services, or for anything which he deliberately neglected to earn. Sections 1156 and 1156a regulate the duties of employers in case of the illness of the employee. Where the employee is accommodated in the household of the employer, the latter is bound in case of illness to provide him with the requisite attendance and medical treatment and the necessary medicaments for a period not exceeding 14 days if the service has already lasted 14 days, and for four weeks if it has lasted half a year. Instead of treatment in a hospital, which the employee is entitled to demand if the nature of the illness makes this necessary, the attendance and treatment may be provided through a third person if the employee agrees. Cash expenditure in respect of these benefits may be deducted from money payments due to the employee; sums received by the employee out of any system of public insurance are only to be deducted in part. Section 1157 lays upon the employer the duty of caring for the health and safety of his employees, without, however, any penalty being imposed for failure to observe this duty. The termination of contracts of service is regulated in §1158. As a rule the contract of service comes to an end on the expiration of the time for which it was concluded. A contract entered into on probation, or only for the period of a temporary need, may be determined by either party during the first month. A contract entered into for the lifetime of a person, or for more than five years, may be determined by the employee on the expiration of five years after giving six months' notice. Contracts of service containing no agreement as regards time can be dissolved by notice. The term of notice must, under §1159*c*, be the same for both parties; if unequal terms are agreed upon, the longer term applies to both parties; in other respects a distinction is made between ordinary services and those of a higher order. In the case of services not being of a higher order (§1159), notice is permissible: (1) if the remuneration is reckoned by the hour, by the day, by the piece, or for particular services, at any time, to apply the following day; (2) if the contract has already lasted three months, or if the remuneration is paid by the week, at latest on the first day of the week, to apply at the end of the week; (3) in all other cases, 14 days' notice is required. Notice may not be given in the case of piece-work, or of particular services,

before the completion of the work in hand at the time when notice was given. In the case of services of a higher order (§1159*a*), if the contract has already lasted three months, or the salary is paid by the year, at least four weeks' notice must be given, and in other cases 14 days' notice. In connection with the question of notice, §1160 regulates the granting of leisure to seek a new situation by providing that the employee must be given a reasonable time off for this purpose without any reduction in his salary, if he is accommodated in the employer's household, or if he is prevented by the conditions of service from seeking a new situation. The contract of service may be prematurely dissolved by either party for serious reasons (§1162); unlike the special Acts, the amending Act does not designate these reasons in detail. If an employee leaves his service unlawfully or is dismissed for serious reasons (§1162*a*), he is bound to pay damages for breach of contract; in the first-named case the employer can require the employee to resume his service as well as pay compensation (compulsory completion of service). The employee also loses his claim to remuneration for services which have lost their value to the employer on account of the premature termination of the contract. If an employee is unlawfully dismissed or leaves the employment for serious reasons for which the employer is responsible (§1162*b*), he is entitled: (1) To receive the contracted remuneration in respect of the remainder of the term of the contract or of the term of notice, according to circumstances; and (2) to compensation for any further damages. But he must allow any sums to be deducted which he may have saved as a result of his not performing the service, or which he has earned or has deliberately neglected to earn in other employment. If the remaining period during which the contract should run is not more than three months, the employee may claim his whole salary for such period without deduction. The question of whether any damages are payable and their amount is decided at the discretion of the judge (§1162*c*). Under §1163, the employee is given the right, on the determination of the contract of service, to demand a written certificate showing the duration and nature of the services rendered. No entries or notes may be made on this certificate which would hinder the employee in securing a new situation.

In conclusion, the compulsory provisions of the new Code may be summarised as follows (*cf.* Dr. Grünberg, "Die neue Gestaltung des allgemeinen Dienstvertragsrechtes in Oesterreich," contained in "Gewerbe- und Kaufmannsgericht," 1916, p. 257):—The rule that "in any case the remuneration already earned shall fall due on the determination of the contract of service" (§1154, paragraph 3; but not those regulating in general the intervals at which wages are to be paid); the provisions respecting the duties of the employer in case of the illness of the employee, viz., §§1156 and 1156*a*, and the corresponding provisions (§1156*b*) to secure the just application of those sections; the requirements respecting the duty of the employer to protect the life and health of his employees (§1157); the most important provisions respecting the determination of the contract of service (§§1158-1159b), and respecting the legal effects of the premature dissolution of contractual relations (§§1162*a*-1162*d*); the rule respecting certificates (§1163) and that respecting leisure for searching for a new situation (§1160).

[See also:—1·00, France (Martinique, Guadeloupe, Algeria); 1·08, German East Africa; 1·16, Austria.]

1·07. PUBLIC WORKS AND CONTRACTS.

FRANCE. The Act dated 13th July, 1914 (Text E.B. XI., p. 97, No. 40), to amend the Act of 29th July, 1893, respecting the admission of associations of French workers to participate in contracts for the performance of work and delivery of goods concluded on behalf of the communes, entitles the said associations to conclude contracts not only with communes, but also with "public charitable and benefit institutions."

[See also:—1·02, Panama.]

1·08. NATIVE LABOUR.

GERMANY: German East Africa. Two Orders dated 5th February, 1913 (Extract Text E.B. XI., p. 61, Nos. 2 and 3), amend two earlier Orders of 27th February, 1909 (Title E.B. V., p. 6, Nos. 2 and 3), namely, the Recruiting Order and the Labourers Order, in essential points (*cf.* Reichs-Arbeitsblatt, 1913, 427). Thus the new Recruiting Order prohibits the recruiting of women and children, but recruited workers may, with the sanction of the administrative authority, take their wives and children with them, provided that their repatriation without charge is guaranteed. Sanction may only be refused for important reasons. The recruiting certificate which it is necessary for recruiters to have in order to carry on their work is, under the later Order, to be issued subject to the condition that the person authorised is entitled to recruit in one district only. Only for important reasons may the Governor allow further recruiters in the same district; in addition, the owners and managers of plantation or industrial undertakings may be given permission to recruit a specified number of workers for their own undertakings for a specified time outside their administrative district. The recruiting certificate is issued in the first place for one year; if the permit is not revoked six months before its expiry, it is extended by two further years. The collection of fees on the part of the recruiter may in future be carried on only subject to a limit, the amount of which is laid down in the recruiting certificate; on the other hand commissions must neither be demanded nor given. The fee to be deposited by the recruiter is reduced from 5 to 2 Rps. for each worker. In order to avoid the depopulation of particular districts, the Governor may prohibit or restrict recruiting in the parts of the protectorate in question. Where one or more central bureaux for procuring workers are opened, the Governor may order that recruiters shall procure workers only through the medium of the central bureau. The remaining provisions of the old Order, relating to the duties of recruiters, the withdrawing of the recruiting certificates, etc., are left, together with the penalties, unaltered in essential respects.

The new Labourers Order covers also domestic services, which were formerly excluded. The rule that contracts of work for a term exceeding 30 days must be concluded in the presence of the district commissioner or another authorised official, is retained. On the other hand, the term for which a contract of work may be concluded is extended from seven months to one year. The duties of employers, which, as far as the payment of wages and the accommodation and boarding of labourers are concerned, retain their old form, are extended in the sense that labourers who do not live in the district have under the new Order a claim to be returned without charge by the employer on whose behalf they were recruited, to the place from which they were recruited. In addition, the employer—as under the Recruiting Order for South West Africa, dated 16th March, 1911 (Title E.B. VII., p. 185, No. 1)—is bound to maintain in readiness for every undertaking in which he per-

manently employs more than 100 labourers, a sick room of the necessary size and suitable for the purpose and also, in case of need, a room for infectious illnesses, unless the sick persons are transferred to a public hospital. Where more than 100 labourers are employed there must be at least one trained coloured medical attendant ; where more than 500 are employed at least one European employee trained in the care of the sick, and where more than 1,500 are employed at least one trained European medical attendant, unless there is a public hospital in the place where the undertaking is carried on. If there are more than 10 sick persons on an average, a coloured cook must be kept. Sufficient medical supplies must also be provided. The provisions respecting the claims of sick employees against their employers and respecting the premature termination of a contract of work are the same as formerly ; on the other hand the penal provisions of the Order have been strengthened in so far as persons who induce native labourers to break a contract, or who employ native labourers who have broken their contracts, are now liable to a fine not exceeding 3,000 Rps. (formerly 1,000 Rps.), or to imprisonment for a term not exceeding 3 months (formerly one month). Both Orders came into force on 1st October, 1913, in place of the earlier Orders of 27th February, 1909.

[See also 1·32, France.]

1.1. Labour Legislation of General Application

1·10. AGRICULTURE AND FORESTRY.

[See under :—1·02, Uruguay ; 1·03, Netherlands ; 3·2, France, Germany.]

1·11. MINING, Etc.

FRANCE. A Circular dated 12th June, 1914 (Title E.B. XI., p. 96, No. 39), addressed by the Minister of Labour to the Chief Mining Engineer, contains a detailed statement on the application of the Act of 31st December, 1913 (Text E.B. IX., p. 5), respecting hours of work in underground work in coal mines.

Tunis. In pursuance of §12, paragraph 2 of the Decree of 15th June, 1910 (Text E.B. XI., p. 5), regulating work in industrial and commercial establishments, a Decree was issued on the same date (Text E.B. XI., p. 11, No. 2), laying down the special conditions of work of children of the male sex, under 16 years of age, employed in underground work in mines and quarries. The hours of work of boys under 16 in the underground galleries of mines and quarries may, accordingly, not exceed eight hours per shift in 24 hours (the time taken in descending and leaving the mine, and in going to and from the works, and the breaks for rest, amounting to at least one hour, are not included in the period of employment). Boys may be employed below ground in screening and loading the mineral, operating and rolling trollies, in charge of and operating ventilation doors, in operating ventilators worked by hand, and other accessory work not exceeding their strength ; they may not work ventilators by hand for more than half the day, broken by a period of at least half-an-hour for rest. The Decree also allows the adoption in mines and quarries in which the work is carried on in double shifts and the work of one shift consists in removing rubbish, of the special arrangement contemplated in §12, paragraph 3, of the Decree mentioned above (Text E.B. XI., p. 5), according to which the employment of children is allowed between 4 a.m.

and midnight, provided that no child may be employed for more than eight hours of actual work, nor remain in the mine for more than 10 hours in 24.

[See also :—1·00 France (Martinique, Guadeloupe, Tunis); 1·02, Luxemburg; 1·5, 3.2, 3·3, France.]

1·110. STONE AND EARTH INDUSTRIES.

[See under :—1·02, Luxemburg, Uruguay; 3·2, Germany.]

1·12. CHEMICAL INDUSTRY.

FRANCE. The list of dangerous, unhealthy or noxious trades, which had already been amended 17 times (Decree of 3rd May, 1886), was again amended by a Decree dated 20th June, 1915 (Text E.B. XI., p. 101, No. 47), which alters the classification of the storage of fireworks, and of the manufacture and storage of military cartridges.

1·13. MANUFACTURE OF LIGHTING MATERIALS.

FRANCE : Tunis. The International Agreement respecting the prohibition of the use of white (yellow) phosphorus in the match industry concluded at Berne on 26th September, 1906 (Text E.B. I., p. 275), was promulgated in Tunis by the Decree of 15th June, 1910 (Text E.B. XI., p. 13, No. 4), after the Swiss Federal Council had been notified of the adhesion of the colony to the international agreement by a Note of the French Embassy dated 15th January, 1910 (*cf.* E.B. V., p. XVIII.).

1·130. TEXTILE INDUSTRY.

[See under :—1·03; 3·0, France; 3·2, Germany.]

1·14. WOOD AND CARVING INDUSTRY.

FRANCE. Since doubt existed as to whether the rule contained in the Decree of 21st March, 1914 (Text E.B. X., p. 103), prohibiting the employment of children under 16 on circular or ribbon-saws applied to those engaged in putting the wood within reach of the workman and in removing the sawn wood, the Minister of Labour referred the question to the Consultative Committee of Arts and Manufactures, which came to the conclusion that "children shall not be regarded as working at circular or ribbon-saws, if their function is to pass the wood to the workman engaged in its manipulation, or to remove it when sawn, provided that every precaution is taken to prevent them from approaching the sawing bench."

1·15. PREPARATION OF FOOD, Etc.

GREECE. A Decree, dated 24th December/6th January, 1915 (Text E.B. XI., p. 14, No. 4), amended the bakery regulations of 14th/27th September, 1912 (Text E.B. VIII., p. 304, No. 2), which had prohibited night-work as a general rule (except on Friday nights), in a very important respect by authorising the Minister of National Economy to allow fancy bakeries, producing no ordinary bread, to work on a system of three shifts, in which case the provisions of the Decree of 1912, respecting periods of rest, cease to apply to such bakeries, and are replaced by the rule that each individual worker shall not work for more than eight hours, and the work shall be so arranged that the night shift shall work as a day shift the following week. Biscuit bakeries may also, with the permission of the Minister of National Economy, be exempted from the regulation of hours of work under the Bakery Decree of 1912.

The conditions of work in tobacco stores and factories were regulated by Decrees dated 28th May/10th June and 31st October/13th November, 1914 (Text E.B. XI., p. 13, No. 2, and p. 14, No. 3). In tobacco factories work may not be carried on in summer (April to September) for longer periods than from 6.30 to 12 a.m. and 2 to 6 p.m., and in winter (October to March) for longer than from 7.30 to 12 a.m., and from 1 to 5.30 p.m., and in tobacco stores work is limited to nine and a half hours in summer or eight hours in winter, with midday breaks of two and a half hours or one hour, respectively. In the case of extraordinary pressure of work, the prefect may allow not more than two hours' overtime on not more than 60 days in the year.

[See under :—1·02, Luxemburg, Uruguay; 3·2, Germany.]

1·150. CLOTHING AND CLEANING TRADES.

[See under :—1·02, Luxemburg; 1·04, France.]

1·16. BUILDING TRADES.

AUSTRIA. The Imperial Order, dated 10th January, 1915 (Text E.B. XI., p. 67, No. 3), carries out the desire, repeatedly expressed by various organisations of architects' employees, for the extension of the Commercial Assistants' Act of 16th January, 1910 (Text E.B. V., p. 202), to persons employed on technical work in architects' offices. But, for the protection of architects from unfair competition, §3, which was adopted in agreement with the associations of employees concerned, prohibits the employees from competing with their employers.

[See also :—1·02, Uruguay; 1·03, Austria, France.]

1·17. TRADE AND COMMERCE.

FRANCE. The employment of women and children at the outside stalls of stores and shops was regulated, both as regards hours of work and the temperature of the air, by the Decree of 21st June, 1913 (Text E.B. VIII., p. 295). A Circular, dated 24th July, 1913 (Title E.B. XI., p. 80, No. 13), explains the new provisions; the prefects are specially requested, in the Circular, to inquire into the question of whether the closing hour on the eves of Sundays and holidays should not be advanced from 8 to 9 o'clock.—A further Circular, dated 31st January, 1914 (Title E.B. XI., p. 88, No. 32), requires the outside temperature to be verified (where the temperature is below 0°C., the employment of young persons and women is prohibited), and urges that too wide a use should not be made of the limits of latitude (0° to 3°C.) allowed in an earlier Circular, in view of local conditions, the kind of thermometer in use, etc.

In contrast to the Decree of 21st June, 1913 (Text E.B. VIII., p. 295), which affords a certain amount of protection only to children and women employed at the outside stalls of shops, the regulations of the Decree of 22nd September, 1913 (Text E.B. XI., p. 84, No. 21), issued in pursuance of §67 of Book II. of the Code of Labour, benefit the whole staff of persons so employed. This Decree provides that outside stalls must be provided with shelters, and that in cold weather sufficient means of warming shall be arranged for the employees inside the establishment.

That part of Book II. of the Code of Labour which deals with the weekly day of rest was supplemented by the Act of 4th April, 1914 (Text E.B. XI., p. 95, No. 36), forming §§51*a* to 51*h* of the Code, by provisions respecting the day of rest in the central markets of Paris. The wholesale sale halls of the markets, and businesses attached to them, are required by the Act to close

one day a week either during the whole year or part of the year. It is the business of the prefect of police to fix for each class of business the parts of the year and days to which this rule shall apply.

The same closing day has to be fixed for all businesses engaged in the same branch of trade. No sales may be effected and no persons may be employed while the business is closed. Exceptions are allowed only in the case of the staff engaged exclusively in watching the premises, in receiving and despatching goods at the station and in annexed stores, in despatching empty cases, and in delivering fresh milk, fresh cream, and fresh unsalted white cheese ; these persons must be given a compensatory rest of 24 consecutive hours within the following six days. During the part of the year when no complete day of rest is prescribed, businesses must close at midday on Sunday, and the employees must be allowed a compensatory rest of one day a fortnight in rotation. If clerical workers are kept at work in exceptional circumstances on Sunday afternoon, they must be given a compensatory holiday of one day a week in rotation. The compensatory rests may be deferred, and replaced by a prolonged holiday at another time of the year. The supervision of the observance of these rules is to be organised by Order.

[See also :—1·00, France (Tunis) ; 1·02, Luxemburg, Panama, Uruguay.]

1·18. CARRYING TRADE.

FRANCE. A Decree, dated 8th July, 1913 (Title E.B. XI., p. 79, No. 10), extends the application of the Act of 17th April, 1907 (Extract E.B. II., p. 246), respecting the safety of sea-shipping, to the Colonies and Protectorates under the Ministry for the Colonies.

An Order, dated 8th May, 1914 (Title E.B. XI., p. 96, No. 38), submits to public consideration the draft Bill for a Code of Labour for Seamen, printed in the *Journal officiel* of 16th May, 1914 (Annexes administratives, pp. 697–712), with the report of the committee on the Bill. The trade organisations concerned are asked to express their views, if any, on the Bill.

The Act of 31st July, 1913 (Extract E.B. XI., p. 81, No. 15), respecting local railways, provides in §48 that the contracts or specifications appended to the document certifying to the public utility of a local railway, must include provisions relating to the conditions of work and pensions of the staff.

Special safety regulations of a technical nature were laid down for factory railways by the Decree of 4th December, 1915 (Title E.B. XI., p. 107, No. 49). These regulations have to be observed independently of the general measures to ensure safety, prescribed by the Decree of 10th July, 1913 (Text E.B. IX., p. 63).

[See also :—1·00, France (Tunis) ; 1·02, Uruguay, ; 3·2 Germany.]

1·19. HOTELS AND RESTAURANTS.

GERMANY : *Upper Bavaria.* A Notification issued by the Government of Upper Bavaria on 30th March, 1914 (Text E.B. XI., p. 59), lays down the following rules for the employment of assistants and apprentices in hotels and public-houses, and also pensions for foreigners, in Munich. Assistants or apprentices over 16 years of age must be allowed in every week at least seven uninterrupted periods of rest of at least eight hours ; those under 16 years must be similarly allowed nine hours' rest. The time between two periods of rest, which includes time on duty and breaks for rest, must not exceed 16 or 15 hours, respectively. This period may be extended on not more than 60 occasions in the year, provided that, even in such cases, the work must be interrupted by seven periods of rest, of the prescribed duration. Instead of one of

the periods of rest of eight or nine hours, an uninterrupted holiday of at least 24 hours must be allowed in every second week, and in the alternate weeks at least one period of six hours' rest must be allowed between the hours of 8 a.m. and 10 p.m., in addition to the usual break of eight or nine hours, as the case may be ; in pensions for foreigners employing less than five persons a period of rest of at least 16 hours must be allowed every week, beginning not later than 2 p.m. Employers are bound to keep a register of periods of rest and overtime. Assistants and apprentices under 16 may not be employed between 10 a.m. and 6 a.m., and girls between 16 and 18 years of age, not belonging to the family of the employer, may not be employed between those hours in serving the guests.

[See also :—1·02, Panama, Uruguay.]

1·190. THEATRICAL AND OTHER PERFORMANCES.

[See under :—1·00, France (Martinique, Guadeloupe, Tunis).]

1·191. MILITARY AND CIVIL SERVICE.

[See under :—1·02, Uruguay ; 3·3, France.]

1·192. DOMESTIC SERVICE.

[See under :—1·02, Uruguay.]

1.2. Unemployment and Employment Bureaux

[See under :—3·4, France.]

1·20. UNEMPLOYMENT.

[See under :—3·4, France.]

1.3. Industrial Courts ; Right of Combination ; Conciliation and Arbitration

1·30. INDUSTRIAL COURTS.

[See under :—1·00, France (Martinique).]

1·31. RIGHT OF COMBINATION.

[See under :—1·32, South Australia.]

1·32. ARBITRATION AND CONCILIATION.

AUSTRALIA : South Australia. In adopting the Conciliation Act of 1894 (the Kingston Act), South Australia was the first of the Australian States to attempt to prevent trade disputes by a system of conciliation set up by law. After an amending Act had come to nothing in 1911, on account of essential differences of opinion between the Legislative Council and the House of Assembly, the Peake Cabinet re-introduced the Bill during the next Session, in an amended form. In support of the Bill the following statement was made (*cf.* Parliamentary Debates, Legislative Council, 1912, p. 282) :—

"The previous conciliation law had, indeed, in §§63 and 64, prohibited strikes and lock-outs ; but, since industrial disputes within the meaning of the Act could only break out between registered organisations, and neither employers nor workers applied for registration, the law remains ineffective."

The new Industrial Arbitration Act of 19th December, 1912 (Text E.B. XI., p. 108), which repeals the Act of 1894, is divided into nine parts. In

Part I. (Preliminary) the comprehensive definitions of "Industry," "Industrial matters," "Strike," and "Lock-out" (the last two on the model of the New Zealand Act of 1908), should be noted (§3). The Court of Industrial Appeals constituted by the Factories Act of 21st December, 1907 (Text E.B. IV., p. 230), is abolished (§7); in its place an "Industrial Court" is established under §8; the amendments to the Factories Act necessitated by the new arrangement are set out in the Schedule to the Industrial Arbitration Act. Part II. contains provisions respecting the Industrial Court. This Court has jurisdiction to deal with all industrial matters and disputes in respect of which there is no wages board competent to act (§9); it also acts as a Court of Appeal in place of the abolished "Court of Industrial Appeals" under the Factories Act. The President of the Court can also act as a mediator (§10); he is endowed, on the lines of the Commonwealth legislation on this subject, with power to summon the parties to confer with him (§11). The Court may have matters submitted to it not only by the parties to the dispute, but also by the Minister or the Industrial Registrar in cases affecting the public interest (§13). As regards procedure, the Act provides, in §14, that the Court, when sitting for the purpose of finally adjudicating upon a dispute, may be assisted by two assessors representing the employers and the workers, respectively (on the analogy of §127 of the Factories Act of 1907) Under §15 the Court is required, in the first place, to attempt to bring about an amicable settlement of the dispute; the Court does not proceed to make an award until such efforts have failed. Awards of the Court have effect for not more than three years. A provision inserted in the Bill by the House of Assembly (§22) is to the effect that the Court shall not have power to prescribe wages which do not secure to the employee affected a living wage. Part III. deals with Industrial Agreements, which must be filed in the office of the Registrar. The most important division of the Act is Part IV., which prohibits strikes and lock-outs. Section 38 makes persons or associations who contravene this prohibition liable to fines not exceeding £500, and, in the case of persons, to imprisonment, with or without hard labour, for terms not exceeding three months. For this purpose, an association is held to be guilty if a majority of its members are parties to the breach of the law (§40). Section 41 expressly declares sympathetic strikes or lock-outs to be punishable. Where any conditions of work are laid down by an award or order of the Court or a wages board, refusal to employ persons or to work under such conditions is held to be an illegal lock-out or strike, as the case may be (§422). Picketing in industrial disputes is unlawful, under §42, and punishable by fine not exceeding £20 and imprisonment for not more than three months. When fines are imposed for striking, they can be made a charge upon such part of the workers' wages as is in excess of £2 a week in the case of married persons or widows or widowers with children, and £1 a week in the case of single persons; the employer is required to pay these sums direct to the Industrial Court (§45). If members of an association become liable to penalties, the association may be compelled to contribute towards the payment of the fine, unless it is proved that the association made reasonable efforts to prevent its members from contravening the law (§46). Section 47 provides that, when a dispute is impending, the Court may summon before it all persons and associations suspected of having committed any offence under the Act, and impose penalties if they are proved guilty. Part V. lays down the penalties for contravening orders of the Industrial Court and other contraventions (other than strikes or lock-outs). In this part the provision corresponding to §123 of the Factories Act should be noted, namely, to the effect that the rates of wages fixed by an award of the Court must be paid in money, without any deduction

(§50). Section 51 imposes penalties for penalising workers or employers on account of their membership or non-membership of an association, etc.; this Section is modelled on the Commonwealth Act of 1909. In Part VI. (Miscellaneous) the rule respecting representation by solicitor or agent should be noted; whereas the Bill of 1911 would have entirely excluded legal representation, this is permissible under §57 of the new Act, "by the direction of the Court, or with the consent of both parties" (corresponding to §132 of the Factories Act). If a fine imposed upon an association is not paid within one month, the individual members may be made liable, to the extent of not more than £5 each.

An amending Act, dated 23rd December, 1915 (Text E.B. XI., p. 131, No. 2), adds to the Principal Act provisions respecting the registration of associations of workers. The Government (the Vaughan Administration, belonging to the Labour Party) had wished originally to give the Bill a much wider scope, and had intended not only to extend the Industrial Arbitration Act to Agriculture and State officials, but also to delete a whole series of the most important provisions of the Principal Act to the maintenance of which the employers and the Liberal Party attached great importance. Thus, in §§38 and 39, the alternative penalty of imprisonment for strikes or lock-outs was to have been removed. In addition, it was proposed to repeal §42 (making the refusal to employ or to work, in accordance with an award of the Court, punishable), §43 (illegality of picketing), §45 (assignment of the wages of workers, in excess of certain amount, for the purpose of paying fines). Section 46, making associations liable for some part of the fines imposed upon individual members, was to be amended in the sense that an association was only to be ordered to pay if it were proved that a substantial number of members had been guilty of a breach of the law, and that the association should be exempt if it had made reasonable efforts to prevent its members from contravening the Act. In addition, the Government Bill would have deleted §57, allowing solicitors to appear in proceedings before the Court in certain circumstances, and §63 which makes the individual members of an organisation jointly liable, up to a certain amount, for the failure of an organisation to pay fines imposed upon it. Finally, the Government wished to exclude all objections to the competence of the Industrial Court. The House of Assembly supported the proposals of the Government. But the Legislative Council rejected them all, as an attempt "to spoil the Act of 1912" (Parliamentary Debates, p. 1318), and thus there remained only the undisputed provisions respecting the registration of workers' associations, the object of which is to endow these with a corporate capacity, with the resulting rights and duties.

FRANCE. The councils of arbitration for native labour in Madagascar were re-organised by the Decree of 22nd October, 1913 (Title E.B. XI., p. 85, No. 29).

SWITZERLAND. In accordance with §83, paragraph 1, the enforcement of the Federal Factory Act of 18th June, 1914 (Text E.B. IX. p. 269), and the Orders of the Federal Council in pursuance of the same, rests with the cantons. The cantons themselves have to issue administrative regulations on certain subjects. A Circular of the Federal Council, dated 12th October, 1915 (Text E.B. XI., p. 26), explains these powers; the Circular deals in particular with §29 of the Act, which is concerned with jurisdiction and procedure in civil disputes, and §§30–35, which lay down the principles for the establishment by the cantons of permanent conciliation boards for the settlement of collective disputes between factory owners and workers.

1.4. Housing

FRANCE. The Act of 12th April, 1906, respecting cheap dwellings (Text E.B. I., p. 442) was amended and supplemented by an Act dated 23rd December, 1912 (Title E.B. XI., p. 73, No. 1). The following are the principal innovations introduced by this Act (*cf.* Bulletin du Ministre du Travail, 1913, 188) : as is well known, the advantages given by the Act are attached to the condition that the rent of the cheap dwellings shall not exceed a certain amount. In this respect the following reforms have been introduced : the graduation of the maximum tenantable value in accordance with the size and equipment of the buildings (not only according to the population of the locality in which they are built) ; (2) increase in the rate of rent for large dwellings, *i.e.*, those with three or more inhabitable rooms ; (3) a new method of calculating the tenantable value (for houses for one family, occupied by the owner, the tenantable value is calculated at 4.75 per cent. of the net cost of the building, instead of 5.66 per cent., as formerly). In addition, the Act contemplates the withdrawal of the certificate of sanitation (certificat de salubrité), and the advantages attached to it, in the case of houses which no longer satisfy hygienic requirements. The exemption from taxes is extended to societies for providing shower-baths and workmen's gardens and land-credit societies, which have undertaken to carry out the Act of 10th April, 1908 (Text E.B. IV., p. 9, No. 3.), relating to small ownership and cheap dwellings. The Act makes it unlawful for a society not recognised by the Minister of Labour to take the appellation, "Society for Cheap Dwellings." Further amendments deal with the amount of the working capital of the building societies and the funds of charitable societies, savings' banks, etc., which can be devoted to building purposes. The most important innovation introduced by the Act consists, however, in the creation of communal, inter-communal, or departmental public offices with the duty of providing and administering immovable properties satisfying hygienic requirements, and of making existing properties sanitary, and planning garden cities or suburbs. The funds necessary for these public offices (offices publics d'habitations à bon marché) are to be contributed by the communes and departments and by the Deposit Fund, the savings banks, and public charitable institutions. Finally, the communes are authorised to undertake direct the providing of cheap dwellings for large families ; such dwellings are to be administered by the Public Housing Committees and Societies for Cheap Dwellings.— A further amending Act, dated 21st March, 1913 (Title E.B. XI., p. 78, No. 6), extends the privileges of the Act conferred upon recognised public utility societies, under certain conditions, to mutual societies and unions.

About the same time as the introduction of Book I. of the French Code of Labour in *Algeria*, the scope of the Act of 12th July, 1909 (Title E.B. IV., p. 302), respecting the constitution of a family property not liable to seizure, was also extended to that colony. The Decree of 31st January, 1915 (Text E.B. XI., p. 100, No. 45), which effected this, merely introduces restrictions affecting certain native Mussulmen and their properties. In addition, the rule that foreigners may benefit from the privileges conferred by the Act, when they are authorised under §13 of the Civil Code to take up their domicile in France (§1, paragraph 1 of the French Act), does not apply in Algeria.

LUXEMBURG. Section 6, paragraph 1, of the Act of 29th May, 1906 (Title E.B. I., p. 305, No. 1), respecting cheap dwellings, excluded from the loans which the savings banks are allowed to make under the Act for the purpose of building cheap dwellings, not only persons being already the owners of a house, but also those who pay rates on incomes of a certain amount, and

fixed the amount of the rates in question. An amending Act dated 14th December, 1914 (Title E.B. XI., p. 18), deletes the fixed rate from the Act and provides that the rates to be taken into consideration shall be determined by public administrative regulations.

[See also 1·01, France.]

1.5. Administration

FRANCE. The Decree of 14th March, 1903 (Text F.B. II., p. 165), respecting the organisation of the Superior Labour Council, which had already been repeatedly amended was further amended by the Decree of 1st July, 1913 (Title E.B. XI., p. 79, No. 9). The number of members of the Council is increased by four. The Decree provides for the polygraphic trade to form a group to itself, with one representative each of the employers and workers. In addition, the Decree gave representation to commercial travellers, which made it necessary to enlarge the employers' side by increasing the group of representatives of commerce and banking by one member.

The organisation of the staff of inspectors of labour in France is regulated by the Decree of 22nd September, 1913 (Title E.B., XI., p. 84, No. 22), which repealed the earlier Decree of 17th May, 1905, and which has itself since been amended by Decrees dated 13th January and 7th December, 1914, and 1st January, 1916. The number of inspectors is at present 144, namely 11 district inspectors, 114 departmental inspectors, and 19 women departmental inspectors.

A Decree dated 28th December, 1915 (Text E.B. XI., p. 108, No. 52), sets up in the Ministry of Labour an Advisory Committee on International Conventions respecting social insurance and relief, consisting of the heads of the various administrative Departments concerned. The Committee is to meet when convened by the President, who is appointed by the Minister of Labour in agreement with the Minister of Foreign Affairs. The Committee is empowered, with the special authorisation of the Minister of Labour, to undertake inquiries and take evidence.

GERMANY : Bavaria. An Act dated 15th August, 1914 (Text E.B. XI., p. 59), to amend the Mines Act of 13th August, 1910 (Extract E.B., V., p. 333), provides that the miners' representatives, who under §79 of the Principal Act are to be appointed by the workmen's committees in mines with at least 50 workers, shall only be chosen from amongst the members of the workmen's committee elected by the workmen themselves.

[See also 1·00, France (Martinique, Guadeloupe, Tunis); 1·02, Uruguay.]

2. International Workmen's Insurance

[See under :—1·5, France ; 3·2, Germany (Prussia).]

3. National Workmen's Insurance

3·0. SICKNESS INSURANCE.

FRANCE. In pursuance of §4, paragraph 5, of the Act to promote the breeding of silk-worms, dated 11th June, 1909 (Extract E.B. IV., p. 300, No. 18), a deduction of 6 per cent. is made from the total amount of the premiums devoted to the support of the silk-spinners, for the purpose of forming a sickness

fund for the benefit of the persons employed, and this sum is distributed amongst the workers' mutual aid societies. A Decree dated 26th February, 1910 (Title E.B. V., p. 236, No. 20), fixed the method of distribution. A Decree dated 23rd May, 1913 (Title E.B. XI., p. 78, No. 7), adds expenditure involved in keeping little children in crèches, etc., to the list of benefits granted by funds which may be taken into consideration for the purposes of the distribution (viz., medical and pharmaceutical benefits, sickness benefit, maternity benefit, funeral benefit, extraordinary grants for orphans, unemployment benefits). In addition, the advance for working expenses made to the funds from the State is increased from 5 frcs. to 10 frcs. per member.

[See also 3·2, France.]

3·1. MATERNITY INSURANCE.

FRANCE. Section 8 of the Act of 17th June, 1913 (Text E.B. VIII., p. 294), respecting the rest of women on their confinement, provides that the ways and means for assuring the proper working of the arrangements (allowances for women on confinement) instituted by the Act, are to be fixed by the Finance Act. In pursuance of this Section the Chamber of Deputies, in its first sitting on 29th July, 1913, inserted the necessary administrative provisions in the Finance Act. These were adopted on the same day by the Senate and constitute §§68-72 and 74-75 of the Finance Act dated 30th July, 1913 (Text E.B. XI., p. 80, No. 14). Among the regulations adopted by the Chamber of Deputies the Senate deleted the one to the effect that the allowance shall not be granted or maintained unless the recipient has not only given up her usual occupation, but also rests as far as is compatible with the exigencies of domestic life, and likewise takes the necessary care of the health of the child and also of her own health. The Chamber of Deputies re-inserted the Section, which after being adopted by the Senate formed §73 of the Finance Act. The provision of assistance for lying-in women during their period of rest is incumbent upon the departments, with the participation of the communes and the State. The amount of the daily allowance is decreed for each commune by the municipal council, subject to the approval of the general council and the prefect. The allowance may not be less than 0.50 frcs., nor more than 1.50 frcs.; any excess is payable exclusively by the commune. The allowance is increased by 0·50 frcs. a day after the confinement if the mother nurses her infant herself. It is compulsory for the commune or department to pay the expenses arising from allowances in respect of lying-in women having their domicile for the purposes of relief in the commune or in the department respectively. Women who have lived for at least a year in the commune are entitled to receive communal benefit, and women are entitled to departmental assistance if they have lived in the department (although in different communes) for not less than a year. The communes meet their expenses by means of special resources arising from endowments or donations made in view of the period of rest of lying-in women, or by the participation of the charities board and the hospital. If these are not sufficient, the department must make a subvention of a certain amount and also the ordinary communal rates, levies, or fees may be used. The departments meet their expenses by similar means, and if these are not sufficient, by a subvention from the State.——By a supplementary Act dated 15th July, 1914 (Text E.B. XI., p. 97, No. 41), disputes relating to the domicile for the purposes of relief are to be decided by the prefectural council of the department where the person concerned resides.——A Circular dated 15th August, 1913 (Title E.B. XI., p. 83, No. 19), explains the provisions

of the Act. It instructs the men and women inspectors to see that the new arrangements are fully understood both by employers and the women concerned. A Decree dated 17th December, 1913, issued administrative provisions and regulates claims to assistance, supervision, the withdrawal of the assistance and the functions of the maternity benefit societies and charitable institutions.

3·2. ACCIDENT INSURANCE.

FRANCE. Section 139 of the Finance Act of 13th July, 1911 (Text E.B. VII., p. 376, No. 54), required mine-owners to bear the cost of the treatment of miners suffering from ankylostomiasis, and provided that the workmen affected with the disease should receive accident compensation. A Decree dated 17th June, 1913 (Text E.B. XI., p. 78, No. 8), contains more detailed provisions respecting the procedure to be adopted in this connection. In principle, the worker has the choice between treatment in a works infirmary or in a hospital approved by the prefect. If hospital treatment is impossible, the worker may be treated at home by a medical man selected by himself. The employer may, however, have the state of the sick person examined by his own medical representative in the presence of the doctor treating the case. Where the two doctors disagree as regards the possibility of the workman resuming his work, the matter is referred to the Justice of the Peace.

At their sitting of 15th February, 1909, the French Chamber of Deputies adopted a Bill containing two clauses, which extended the provisions of the Act of 9th April, 1898, respecting industrial accidents, to forestry. This Bill, which in the course of the debates assumed a very different form, was finally adopted as the Act of 15th July, 1914 (Text E.B. XI., p. 97, No. 42). The legal liability of the employer under this Act applies in respect of felling, lopping, transporting and (when performed on the site of the felling) the work of cutting up, shaping, sawing, piling, wood-barking and distillation. Wooded ground such that not more than 3 hectares are in the occupation of one tenant, and work not done for profit in connection with trees planted outside woods, and the cutting of wood for personal use by the tenant or occupier, and the making of clearings in plantations of less than 20 years' standing, are excluded from the Act. As a rule, the owner of the wood is liable unless the operations are undertaken by a contractor in pursuance of a contract of sale or an agreement. The liability covers all workers or employees of the enterprise, provided that they can prove that they were engaged to do the work. If the victim of the accident was not paid by the person liable to pay compensation, or if he drew no fixed wage, the compensation is reckoned on the basis of the average wage of agricultural wage-earners in the department.

GERMANY: Empire. The German Imperial Insurance Office has sanctioned the following rules for the prevention of accidents adopted by trade associations (abbreviated as T.A.):—

A. On 4th July, 1914:

1. First supplement to the rules of the West German Inland Shipping T.A.

B. On 10th May, 1915:

1. Rules of the German Printing T.A.
2. Rules for agricultural undertakings of the T.A. for Agriculture and Forestry of Reuss-ä-L.
3. First supplement to the rules of the T.A. for Agriculture and Forestry of Reuss-ä-L.

C. On 26th July, 1915 :
1. Rules of the T.A. for Dairies, Distilleries and Starch Works.
2. Rules of the Silk T.A., 1915.
3. Rules of the Peat T.A.
4. Rules of the Horticultural T.A.

D. On 22nd November, 1915 :
1. First supplement to the rules of the Anhalt Agricultural T.A.
2. Second supplement to the rules of the Anhalt Agricultural T.A. for the principal work of undertakings.
3. Rules of the Lippe T.A. for the use of electric currents.
4. First supplement to the rules of the Lippe Agricultural T.A.

E. On 28th February, 1916 :
1. Rules for agricultural undertakings of the Hesse-Nassau Agricultural T.A.
2. First supplement to the rules of the Hesse-Nassau Agricultural T.A.
3. Rules of the Paper-making T.A.

Prussia. A Ministerial Decree dated 20th August, 1913 (Text E.B. XI., p. 58), contains more detailed regulations as regards the manner in which the Italian Consular authorities within the meaning of Article 16 of the German-Italian Agreement respecting Accident Insurance concluded on 31st July, 1912 (Text E.B. VIII., p. 99), are to be enabled to follow accident inquiry proceedings affecting Italian subjects (by being supplied with a copy of the Report of the Proceedings, etc.).

[See also 1·00, Tunis.]

3·3. OLD AGE, INVALIDITY AND SURVIVORS' INSURANCE.

FRANCE. Section 9 of the Act respecting pensions for workers and peasants, dated 5th April, 1910 (Text E.B. V., p. 361), which had already been amended by the Finance Act of 27th February, 1912 (Text E.B. VII., p. 386, No. 67), dealt with annuity subsidies in the case of complete and permanent incapacity, The Act of 27th December, 1912 (Text E.B. XI., p. 73, No. 2), amends this Section by deleting the words "three times the sum assessed," and thus puts a stop to the conflict between its provisions and those of §152 of the Administrative Order of 25th March, 1911, which fixed the maximum amount of these subsidies at 20 frcs. per annum.——A second comprehensive amending Act was debated by the Chamber of Deputies on 29th July, 1913, debated and adopted by the Senate on 25th June and 22nd July, and finally approved by the Chamber on 13th August, and passed into law on 17th August, 1915 (Text E.B. XI., p. 101). The object of the Bill was summarised as follows by the Minister of Labour during the general debate : "Only minor amendments are involved which leave intact the principles laid down by the Act of 1910, which are of no serious importance from the point of view of the budget, and which are intended to simplify the legal machinery and to introduce improvements not of great importance, but nevertheless appreciable . . . such, for example, as the unification of stamps or the facilities given for paying contributions." For the details of the Act reference should be made to the text.

The Act of 4th April, 1914 (Title E.B. XI., p. 96, No. 37), to repea paragraphs 3, 5, 6, 7, 8 and 9 of §13 of the Act of 20th July, 1886, respecting the National Old Age Pensions Fund, removed the former rule that payments made to the National Old Age Pensions Fund during marriage by one party to the marriage should be divided into two equal parts attributed to the two

parties respectively. This compulsory division of the contributions between the husband and wife had proved especially onerous in the case of married depositors who, although they were themselves insured for old age by some other means, had to pay double contributions to the fund if they wished to secure an old age pension for their wives.——The Act of 27th March, 1911 (Text E.B. VII., p. 368, No. 32), amending the Act of 20th July, 1886, respecting the National Old Age Pensions Fund had provided that officials of public administrative bodies not entitled to pensions, and their wives, should not be subject in their old age insurance to the legal limitation of 1,200 frcs. An Act, dated 18th December, 1915 (Title E.B. XI., p. 107, No. 50), extends this privilege to the officials of public departmental, communal and colonial administrations, of public establishments and of certain establishments of public utility, and to their wives.——In addition, the Act of 25th December, 1915 (Title E.B. XI., p. 108, No. 51), raised quite generally the maximum life annuity for any person from 1,200 frcs. to 2,400 frcs., and increased the maximum contribution which may be paid in one year from 500 frcs. to 4,000 frcs.

In accordance with the Act of 29th June, 1894, the old age insurance of miners was effected either through the National Old Age Pensions Fund (Caisse nationale des retraites pour la vieillesse) or in a recognised works or trade union old age insurance fund, under State supervision. An Act dated 25th February, 1914 (Text E.B. XI., p. 88, No. 33), created an Autonomous Pensions Fund for Miners (Caisse autonome des retraites des ouvriers mineurs) and repealed the previous legislation on this matter. The new Act originated in a Bill submitted by the Deputy Albert Thomas, the debates on which began in the Chamber on 11th July, 1912, and concluded on 25th February, 1913, with the unanimous adoption of the text resulting from the discussions of the Senate and the Chamber. The most important amendment which was introduced into the Bill by the Senate consisted in the exclusion of slate quarrymen who were included under the original Bill. But the Minister of Labour, Métin, declared, in reply to a question put by Jaurès, that " I pledge myself again to endeavour by all the means in my power to induce . . . the Committee of the Senate which has to consider the deleted provision to adopt a system of separate old age insurance for slate quarrymen."

The new Act required an " Autonomous Pensions Fund for Miners " to be set up within six months of the adoption of the Act. This Fund is administered by a Council consisting of six representatives each of the mineowners, the workers, and the State (and three substitutes for each group). For the purpose of forming a basic capital for the pensions, the mineowners are required to pay into the fund every month 4 per cent. of the wages of their workers or employees, for which purpose earnings in excess of 3,000 frcs. a year are not reckoned. The contribution is borne one-half by the employers and one-half by the workers. In addition, a special fund is to be formed by collecting from the employers and workers contributions not exceeding 1 per cent. each on the wages. The miners may increase their pensions by voluntary extra contributions. The right to draw an old age pension begins at the age of 55 years. Miners who can prove that they have worked for wages for at least 30 years and on at least 7,920 working days (days on which no work was done as a result of injury or illness counting as working days) in French mines have the right, in addition, to a State allowance of 100 frcs. and bonuses from the special fund. Workers who, through no deliberate fault of their own, become absolutely and permanently incapacitated are entitled to draw their pensions and the allowances and bonuses under the Act, regardless of their age. All miners and their widows and children benefit, in addition, from all the other

advantages provided by the Old Age Pensions Acts of 5th April, 1910 (Text E.B. V., p. 361), and 27th December, 1912 (Text E.B. XI., p. 73, No. 2). The wives, not being wage-earners, of miners may secure pensions for themselves under the provisions relating to voluntary insurance of the general Old Age Pension Act of 5th April, 1910, and the Finance Act of 27th February, 1912 (Text E.B. VII., p. 386, No. 67), independently of their husbands' pensions. The benefits payable out of the special fund, into which an annual State subsidy of at least two million francs and donations, legacies and so forth, are paid, as well as the contributions of the employers and workers (not exceeding 1 per cent. of the wages) are as follows :—(1) Persons formerly in receipt of pensions or allowances are to be assured bonuses and allowances not less than those received hitherto ; (2) miners who have worked for wages for 30 years and on at least 7,920 working days in French mines, are to receive allowances bringing their pensions up to a maximum of 730 frcs. per annum, calculated in proportion to a wage based upon the best six years ; (3) the widows of persons in receipt of pensions or grants are to receive allowances equal to at least one-half of the pension or allowance of their husbands up to a maximum of 365 frcs. per annum ; (4) allowances calculated at the rate of 12 frcs. for every year of work in the mine are to be made to former miners not entitled to pensions or grants, having left work before the Act came into force, being at least 55 years of age, and having worked for wages for at least 30 years, including 15 years in mines ; (5) the widows of former miners coming under (4) and of miners who die in the course of acquiring a right to a pension, are ensured allowances of 50 frcs. a month for three months ; (6) the orphans of miners are given allowances equal to those granted in case of the death of the worker under the Old Age Pensions Act of 5th April, 1910. If a widow re-marries, her claims are settled for a sum down equal to three times the annual amount of her previous allowance. If a mineowner has ensured, at his own expense, to his workers and their dependants, by means of a collective agreement, the same advantages as those provided under the Act, both he and his workers are exempt from the payment of contributions to the special fund, on condition that the burden assumed is not less than the 1 per cent. of wages which would be his contribution under the Act. Miners' delegates and their substitutes are placed on exactly the same footing as workers for the purposes of the Act. For details reference should be made to the Act itself. In accordance with §1, the general provisions respecting old age pensions apply likewise to foreign workers employed in French mines ; but they are only entitled to the State allowances and bonuses from the special fund if a treaty with their native country guarantees the same privileges to French subjects there. The pensions and grants under the Act are non-transferable and not liable to seizure, except in the interests of public hospitals for the payment of any charges for treating the recipient of a pension.

An Act dated 14th July, 1908 (Text E.B. III., p. 358, No. 6), respecting pensions from the invalidity fund for seamen, was amended in certain respects by the Act of 30th July, 1914 (Text E.B. XI., p. 100, No. 43). These amendments improve the position of the widows and orphans of seamen who die when entitled to a proportional pension under §11 of the Act. Thus the pension is now payable to dependants from the day of the seaman's death. The new rule was given retroactive effect as from 1st January, 1908.

An Act dated 5th June, 1915 (Title E.B. XI., p. 101, No. 46), introduces the use of "social insurance books" (livret d'assurances sociales) for persons who at the same time as they insure for a pension in the National Old Age Pensions Fund wish to arrange for their dependants to receive a sum down

upon their death ; the National Deposit Fund is entrusted with the duty of receiving the premiums and of carrying out the necessary formalities. In addition, the Act introduces various amendments into the existing provisions respecting the National Life Insurance Fund, as contained in the Act of 11th July, 1868, "to create two insurance funds, one for life insurance and the other for insurance against industrial accidents." The most important of these amendments are : The annual premiums may now be paid in half-yearly, quarterly or monthly instalments. Insurances entered upon less than two years before the death of the insured person remain, as before, without effect, except (this provision being new) in the case of violent death resulting from a physical injury. If an insurance becomes void the persons who would have been entitled to benefit from the insurance are now given the right to the reimbursement of the premiums without interest, whereas formerly interest at the rate of 4 per cent. was paid. The time limit of two years mentioned above is reduced by one-half if the total amount insured is less than 500 frcs. Whereas the Principal Act provided that the sums insured shall be exempt from seizure or attachment up to one-half of their amount, the amending Act makes an exception in so far as the whole amount of the sums insured may now be diverted to the repayment of debts to housing societies, land credit societies, savings banks, agricultural credit funds, insurance funds under the Act of 5th April, 1910, or other recognised national credit institutions. The age at which the insurance may begin is put back from 16 to 12 years.

LUXEMBURG. The Act of 6th May, 1911 (Text E.B. VI., p. 270, No. 1), respecting old age and invalidity insurance, provides in §37 that the claims of foreigners entitled to benefits who give up their residence in the Grand Duchy, may be finally settled by the payment of three times the amount of the annuity, and in §47 (3) that the right to draw an invalidity or old age pension shall expire so long as the person entitled to benefit ceases to have his regular residence in the Grand Duchy, unless he resides abroad for the sake of his health. These two provisions were put out of operation by a Decree dated 16th June, 1914 (Text E.B. XI., p. 15), in favour of German subjects who reside in the German Empire, since §1317 of the Imperial Insurance Code and the Resolution of 13th October, 1900, grant reciprocity to insured Luxemburg subjects.

SWITZERLAND : Glarus. The National Assembly of the Swiss Canton of Glarus introduced a system of State old age and invalidity insurance in the Canton by the Act of 7th May, 1916 (Text E.B. XI., p. 137). When on 20th May, 1900, the Federal Bill respecting sickness and accident insurance in Switzerland (the so-called lex Forrer) was rejected by the referendum *cf.* E.B. VII., p. CXXXI.), in the canton of Glarus (which was, moreover, the only canton where the vote was in favour of the Federal Act) the resolution of the National Assembly which had been adopted on 6th May, 1889, to provide for this contingency, came into force. This resolution required the State Council to institute the necessary inquiries with a view to the introduction of a cantonal system of old age, and invalidity insurance. The work of preparing a cantonal Act dragged out over a number of years. For the actuarial basis, apart from various expert opinions, the recommendations of the international conference of 1908 were followed ; at this conference eight cantons were represented, and the following general principles for old age and invalidity insurance were agreed upon : Compulsion ; old age and invalidity insurance for both sexes ; the payment of premiums to begin at the age of 18 years, and of old age pensions at least at the age of 65 ; special legal

provisions to be taken into account as regards invalidity ; a waiting period of five years ; annual pensions of at least 300 frcs. ; the acceptance of voluntary insurances in accordance with a scale ; and the most simple State administration. In addition use was made of the experience gained by the developed system of sickness funds in Glarus and by comparable systems of foreign legislation, especially the German Imperial Insurance Code.

The main principles contained in the Act of 7th May, 1916, are : Compulsion ; Effective contributions from the Canton and the Communes, and uniformity of payments and benefits (as already existed in the case of the voluntary sickness insurance). "Although, from the technical point of view," says the Report of the State Council (p. 12), "a graduation of contributions according to classes of risk may be more correct, an element of social equality well justified by experience exists in the (what may well be called) peculiarity of the Glarus system, which not only makes it possible to adopt the most simple system of administration conceivable, but also, on account of its democratic basis, makes the extension of the insurance a very easy matter." The insurance is compulsory for all persons between 17 and 50 years of age who have their legal domicile in the Canton. Persons who remove to another Canton may remain in insurance by paying an increased annual contribution ; persons who settle abroad leave the insurance, but if they return to Switzerland within four years they may re-enter the insurance by paying an increased contribution in respect of the period of their absence. The funds are raised : (1) by an annual contribution from the Canton of 85,000 frcs., together with the interest from the Old Age and Invalidity Insurance Fund and other associations ; (2) by an annual contribution from the Communes of 1 frc. per head of the population ; (3) by an annual contribution of 6 frcs. from each insured person. The obligation to pay contributions ceases on reaching the age of 65. The annual contributions may be commuted by making a single payment ranging from 125 frcs. at the age of 17 to 470 frcs. at the age of 49. Disablement pensions are payable to persons who, having been insured for five years, become incapable of work on account of illness or other infirmities for at least one year, regardless of their age. Old-age pensions are payable from the age of 65. The right to draw an old-age pension is conditional upon the insured person having paid altogether at least 400 frcs. (*i.e.*, 33 years' contributions *plus* interest), otherwise the pension is reduced accordingly. The amount of the annual invalidity pension begins at 150 frcs., and increases annually by 10 frcs. up to a maximum of 300 frcs. for men and 250 frcs. for women. The amount of the annual old age pension is :

		Men.	Women.
At the beginning of the	66th year ..	180 frcs. ..	140 frcs.
,, ,,	67th ,,	210 ,, ..	160 ,,
,, ,,	68th ,, ..	240 ,, ..	180 ,,
,, ,,	69th ..	270 ,, ..	210 ,,
,, ,,	70th and onward	300 ,, ..	250 ,,

The difference that is made between men and women as regards the amount of the pension is justified on p. 37 of the Report of the State Council, where it is shown that there exists a higher sickness and invalidity frequency amongst insured women under the Glarus sickness insurance, which is in the proportion of 4·3 as compared to the rates for men. A claim to a pension lapses if the insured person takes up his residence abroad after beginning to draw his pension ; in this case the person concerned may demand the reimbursement, without interest, of the contributions he has paid. The State Council is authorised

to revoke the exclusion from insurance in the case of foreign States whose legislation gives Swiss subjects a corresponding privilege. The insurance is effected through the State Old Age and Invalidity Insurance Institution. Special provisions regulate voluntary insurance, to which persons of from one to 17 years of age may be admitted.

3·4. UNEMPLOYMENT INSURANCE.

FRANCE. The Decree of 9th September, 1905 (Text E.B. I., p. 14) respecting the subsidising of unemployment funds, which had already been amended repeatedly, was again amended by the Decree of 28th December, 1912 (Text E.B. XI., p. 73, No. 3). Whereas, under the former §5, unemployment funds did not, as a rule, acquire the right to a subvention until they had been operating for six months, in future, subject to certain conditions, even new funds can be granted assistance to an amount not exceeding 100 frcs. The subvention is in future to be calculated on the basis of a benefit of 2.50 frcs. a day (formerly 2 frcs.) [§9.]. If the unemployment contributions of the members do not amount, during a half-year, to at least one-third of the benefits paid (a circumstance which, under the former §11, altogether excluded a State subvention), a State grant of not more than 20 per cent. of the contributions may be given.

3·5. INSURANCE OF EMPLOYEES AND OFFICIALS.

AUSTRIA. By an Imperial Order respecting the pension insurance of employees, dated 25th June, 1914 (Title E.B. XI., p. 67, No. 2), the Act of 16th December, 1906 (Text E.B. I., p. 398, No. 5), respecting the pension insurance of employees in private service, and of certain employees in public service, was amended in essential respects. The text of the Act, as amended by the Order, is published in the Soziale Rundschau, 1914, II., p. 332.

I. The scope of the compulsory insurance is newly defined. Insurance is consequently compulsory (we follow here the particulars given in the Soziale Rundschau, 1914, I., p. 305) for employees working in Austria, who have the character of officials on account of the nature of their position, or who are regularly engaged in duties of a preponderately intellectual character, and whose total annual income under one and the same employer amounts to at least 600 kr. For the purposes of the Act, duties of a preponderately intellectual character are to include, especially, employment in education or instruction ; the exercise of the free arts, regardless of the artistic value of the work ; all employments on the lines of previous studies of persons who have finished studies which exempt them from the three years' compulsory service under the Defence Act, and of persons who have completed studies beyond that standard ; the management of works or departments of works ; supervision over the work of other persons ; and finally, service on the staffs of offices and counting-houses, and employment on important business outside the premises. Salesmen and persons employed in warehouses come under the compulsory insurance only if they have received the higher education referred to, or if they are entrusted with the management of works, or the supervision of the work of other persons. In particular, insurance is not compulsory in the case of domestic service and direct co-operation as workers or apprentices in the production of goods in industry, mining, agriculture, and forestry. These groups of employments which give rise to or exclude the obligation to insure are explained in the Order by numerous examples coming within the various groups. In contrast to the original Act, the new measure contains a comprehensive exemplifying list of duties of a preponderately intellectual character.

The former requirement that the remuneration must take the customary form of a monthly or yearly salary has been dropped. Notice of employment for which insurance is compulsory has to be given by the employer or the employee within 14 days (formerly four weeks). If the notice is not given in due time, or not at all, the contribution period begins from the month within which the notice was afterwards given, or within which the obligation to insure was officially established.

As under the old Act, persons who do not enter an employment to which the insurance applies until they are 55 years of age, persons who are already provided for to an amount equal to the fixed part of a pension in the case of the salary class in which such employees would have been entered in accordance with their salary on their entry to the pension insurance, and the employees of the Court and of the State and of State institutions, are exempt from the obligation to insure. The conditions under which public officials are exempt from the insurance in other respects are newly drafted, and in this connection the general expression "public service" has been replaced by a definition of the class of employer (State, Commune, educational and training institutions, etc.) whose employees do not come under the complusory insurance if other provision is already made for them.

The group of these public officials who are conditionally exempt from insurance is at the same time extended to the employees of public compulsory organisations, such as chambers of commerce and industry, exchanges, trade associations, workmen's sick funds, accident insurance institutions, since in all these cases the purpose of the Act is achieved by the security given in the nature of the employment, in so far as the employees possess regular claims to pensions. In addition, the employees of railway undertakings serving the public, who were formerly absolutely exempt from the insurance, are now excluded from the obligation to insure only on condition that regular provision is made for them.

As compared to the Principal Act, an entirely new provision is that which exempts from the obligation to insure employees who are either near relatives of the employer (children, husbands, and wives) or who belong to the management of a company or society; persons whose occupation in a position involving the obligation to insure is only subsidiary to another permanent remunerative occupation providing a higher income; articled clerks of advocates and notaries and the medical officers of hospitals; employees of the Austria-Hungarian Bank; ordinary students at higher schools and secondary schools, during their studies; artistes employed in foreign theatrical and orchestral enterprises; the employees of foreign firms having no branch in Austria; the employees of commercial undertakings engaged exclusively in export of industrial goods, with the exception of the persons engaged in book-keeping or as cashiers. The exclusion of the articled clerks of advocates and notaries and of the medical officers of hospitals from the obligation to insure had already been provided for, subject to a time limit, in the Order of 28th December, 1908 (Text E.B. IV., p. 67, No. 3).

II. *Salary Classes.*—Persons for whom insurance is compulsory are, as before, divided into six salary classes, according to whether their salaries range from 600–900 kr., from 900–1,200, from 1.200–1,800, from 1,800–2,400, or from 2,400–3,000, or are over 3,000. For the purposes of classification into the salary classes, lodging allowances, gratuities, and official perquisites and any agreed variable sums (commissions) are calculated at the minimum allowed, or by an average taken over the last three years; but at least one-fifth of the actual amount drawn, and finally, payments in kind of whatever nature,

calculated according to the local average prices, are to be included in the salary. The value of lodging is to be estimated at 20, 25, or 40 per cent. (formerly 15, 20, and 33⅓ per cent.) of the net salary, according to whether the lodging is provided alone, whether it includes free heating and lighting, or in addition full board. An employee who is employed by several employers for separate salaries is, as under the Principal Act, only required to insure in respect of the principal employment, which is held to be the one which is most highly paid.

III. *Object of the Insurance.*—The object of the insurance is, as formerly, to build up a right to an invalidity or old-age pension for the insured person himself, and to pensions, educational grants, or single sums for the dependants (widows, children, or impecunious mothers).

IV. *Waiting Period.*—In order to acquire a right under the Act, it is, as a rule, necessary for a waiting period to have expired amounting to 10 years for a full pension, and five years for a reduced pension (a new provision). In order that a period of service shall be included in the waiting period, it is essential for notice to have been given in respect of it to the insurance authorities (a new provision). By reducing the waiting period to five years, persons who do not enter a position for which insurance is compulsory for a large number of years, and until they have reached an advanced age, are enabled to benefit partly from the Act; by making notice compulsory, the Act relieves the insurance authorities from the risk formerly arising in respect of neglect to give notice and of contributions paid on too low a scale. In the case of the incapacity or death of an insured person resulting from an accident sustained in the exercise of his services and arising out of the employment, it is, as formerly, not necessary that any waiting period at all shall have expired. Accidents which will presumably cause incapacity for a longer period than that for which sickness benefit is legally payable, must be notified by the owner of the undertaking within eight days.

V. *Amount of the legal benefit, acquisition and loss of claim to the same, beginning and ending of the benefit.*—The invalidity benefit is payable always in case of incapacity for work, and in addition (a new provision) if an insured person, after his 65th year of age, ceases to work in an employment for which insurance is compulsory. Incapacity has to be proved by medical certificate, in which connection the insurance institution may require the applicant to be examined by a medical man of their choice. Persons whose further earnings amount to more than 600 kr. and (a new provision) two-thirds of the average of the earnings counted for the purpose of the insurance during the last five years, have, however, no claim to the invalidity benefit; if the earnings and invalidity benefit together exceed the said average the invalidity pension is correspondingly reduced.

The old age pension is payable without further conditions in the case of insured men, either after 40 years of contributions, or (a new provision) after five years of contributions when the insured person has reached 70 years of age, and in the case of insured women either after 35 years of contributions and reaching the age of 55 years of age, or after five years of contributions when the insured person has reached the age of 65. The more favourable conditions for procuring the old age pension in the case of women was intended to make up for the failure of the Act to make any provision for widows. If the right to an invalidity or old age pension accrues after a 10-years waiting period or earlier, as a result of an accident, the benefits consist of a fixed part and in the first case also of a scale of increments. The fixed part of the pension amounts for the six salary classes mentioned above to 180, 270, 360, 540, 720

and 900 kr. The fixed part is determined in accordance with the salary class corresponding to the annual average earnings counted for the purpose of the insurance, during the last two years (formerly the salary class at the time of the conclusion of the waiting period, or of the accident). This sum must, however (a new provision) amount to at least one-quarter of the premiums paid up to the conclusion of the waiting period. The increments are now calculated at one-eighth of the premiums due in respect of the time after the conclusion of the 10-years waiting period. The reduced pension (*see above*) amounts to two-thirds of the fixed part, but not less than one-sixth of the premiums due up to the date when the pension becomes payable. The insured persons begin to draw the pension, as formerly, on the first day of the month following that in which a pension falls due, or the notice of incapacity is given, or in the case of sickness benefit, or of a claim to the continuation of the former salary, 20 weeks after these sums fall due. The right to an invalidity pension expires on the death of the insured person, or when he recovers his earning capacity, or is able to earn the same as formerly.

A widow's pension is payable to the widow of an insured person who drew an invalidity or old age pension during his life, or has acquired a right to such a pension. It amounts to half of the pension paid or payable to the insured person. In order to make good a claim to a widow's pension it is necessary for the person concerned to have been married for six months, the age of the insured person being under 50 ; in addition, at the time of the marriage the insured person must not have drawn any invalidity benefit. The widow loses her claim if she has been legally separated from her husband, or the marriage has been dissolved, or if she is proved by penal proceedings to have been responsible for the death of the insured person. The widow's pension expires on her re-marriage, in which case she is entitled to a sum down amounting to three-times the annual benefit.

An educational bonus is payable to any legitimate or legitimatised orphan under 18 years of age, born of a marriage before an invalidity pension was paid, provided that the deceased parent had drawn an invalidity or old age pension at the time of his death, or had acquired a right to such a pension. Illegitimate children have the same right on the death of their insured mother. The educational bonus amounts to one-third of the fixed part of the pension payable to the deceased parent in the case of each child orphaned of one parent ; to two-thirds of the sum down payable to the deceased person for each child orphaned of both parents, if only one parent was insured ; and finally (a new provision), to the full amount of the sum down payable to the most highly-insured parent, if both parents were insured. The amount of the educational bonuses for orphaned children is limited in two respects : it may not, on the one hand, exceed 50, 70, or 200 per cent. of the said fixed part of the pension, according to whether the mother or father alone or both parents are dead, and on the other hand, the pension which the deceased person would have drawn, or to which he would have had a claim if he had lived. The claims of the widow or the orphans are settled by a single sum down, if the deceased person had not at the time established a right to a pension, but the other conditions for drawing a widow's or orphan's pension are satisfied. A new provision is one which gives a claim to a surviving impecunious mother, provided that there is no widow or child and that the insured person contributed to his mother's maintenance. The claims and rights of insured persons and the members of their families may only be transferred or assigned in two cases (a new provision).

VI. *Payment, Supervision and Expiry of Benefits: Consequences of drawing Benefits to which a person is not entitled.*—Pensions and educational bonuses are payable monthly in advance on the production of the necessary proofs. Invalidity and widows' pensions and also educational bonuses are suspended whilst the person concerned is drawing accident insurance compensation; all pensions and educational bonuses are suspended while the person entitled to draw the same (but not also other members of the family entitled to maintenance) is undergoing a term of imprisonment, and also for as long as the person drawing the benefit is absent abroad, without the consent of the insurance institution; in the latter case the claim may be settled for a single sum. The claim to enjoy benefits expires in accordance with the provisions of the General Civil Code; notwithstanding, the time limit for the expiry of rights amounts to 10 years as regards the establishing of a claim, and one year as regards a single instalment. Provision is made for the withdrawal of sums received unlawfully; except in the case of educational bonuses, such sums have to be repaid, with 4 per cent. (formerly 3½ per cent.) interest.

VII. *Medical Treatment.*—The provisions as regards medical treatment which are imitated from the German Employees' Insurance Act, are entirely new. The insurance institutions are accordingly entitled, in order to re-establish the earning capacity of the recipient of an invalidity pension, to remove the person concerned, at their own costs and in certain cases even without his permission, to an institution (hospital or sanatorium) or to some other place suitable for treatment, and to suspend the payment of the invalidity pension wholly or partly during such treatment. If, however, the insured person contributed to a substantial extent towards the maintenance of the members of his family, such persons must be granted at least half of the pension due to the insured person. If the recipient of the pension refuses to submit to medical treatment for which his consent is not necessary, the invalidity pension may be temporarily suspended.

VIII. *Expiry of the Compulsory Insurance: Re-imbursement of Premiums: Re-entry into Compulsory Insurance.*—The obligation to insure ceases as soon as the conditions making insurance compulsory are no longer present, or the person concerned begins to draw an invalidity or old-age pension; nevertheless, rights under the insurance are maintained for 18 months. If the compulsory or voluntary insurance ceases, and the persons concerned remain for at least six months (formerly three months) without being employed in an occupation for which insurance is compulsory, they have a claim to the re-imbursement of the premiums paid by them, without interest and up to the maximum amount of the premium reserve. Special provisions (new) regulate the amount to be re-imbursed in the case of voluntary payment for past years of service, or of the temporary voluntary continuation of the insurance. If an insured woman marries within two years after leaving the insurance, or leaves the insurance within two years after her marriage, the sum re-imbursed is brought up to 80 per cent. of the actual premiums paid by her (a kind of limited dowry insurance). These claims are likewise exempt from transference or assignment: they may only be made good by the insured person within three years, and expire if the applicant has again become liable to compulsory insurance in the meantime. Claims already established pass to the heirs (a new provision). A partial re-imbursement of the premiums paid in counts as a complete settlement if it is equal to or exceeds the amount of the premium reserve. In other cases it results in a reduction—in the proportion of the re-imbursed amount to the accumulated premium reserve—of the acquired rights, or of the period of contributions counting for the purposes of the

insurance. In the case of re-entry into the insurance, the new rights acquired are held to be an extension of the rights formerly acquired, whether unreduced or curtailed, if the interruption of the insurance was caused by the payment of invalidity benefits, or lasted not more than 12 years from the date on which the last premium fell due. In other cases not more than five years of any waiting period which has already expired is counted on re-entry into the insurance. The rights acquired from at least 10 years' insurance may, on the expiry of the compulsory insurance, be maintained by the payment of a recognition fee of 4 kr. per annum without limit of time (a new provision), so long as the insured person is not more than six months on an average in arrears.

IX. *Voluntary Insurance.*—When the compulsory insurance expires, the insurance may be continued voluntarily. In addition, apart from the previous existence of compulsory insurance, private teachers being under 45 years of age and having a total income of less than 600 kr. may be admitted to voluntary insurance according to special scales (a new provision). Persons voluntarily insured have to pay the whole premium. Failure to pay the premiums for six months and permanent residence abroad, otherwise than in the capacity as employee of an Austrian firm, results in the expiry of the voluntary insurance in the same manner as an express notice of withdrawal. The claim of insured persons to an increase in their rights by taking years of service into account is maintained, but now without the former time limit as regards notification and the extent of the period to be reckoned in, and only in the case of the transference from a miners' benefit society to the pension insurance, and of transference from the public service into an occupation for which insurance is compulsory.

X. *Method of Procuring the Legal Rights.*—The benefits are secured by the payment of fixed premiums, out of which the premium reserve and a guarantee fund, in accordance with the surpluses, are formed. For the six salary classes, fixed premiums are payable every month of 6, 9, 12, 18, 24, and 30 kr. respectively, of which the employee pays one-third or one-half (in the two highest classes) and the employer the remainder. It is only in the case of an annual income of more than 7,200 kr. that the employee has to pay the whole premium himself. The premiums, which have to be paid on the first day of each calendar month, in advance, are indivisible. Several successive employers within a month, for the purposes of contribution, are each liable for the premium to the amount fixed in the salary class in each case. Several employers employing the same employees by mutual agreement, even when they pay separate salaries, are liable for the premium due in respect of the joint salary (a new provision). On the other hand, if in such a case an employee is employed by several employers at the same time, the employer in the principal employment is liable to pay the premiums. The question of which shall be regarded as the principal employment is decided by considering, in the first place, the amount of the salary, and, in the case of services remunerated at the same rate, the more or less close connection of one or other of the employments with the former occupation or training of the employee ; then the length of the employment is considered ; and finally, any other pertinent circumstances (a new provision). The person paying a premium has a claim to re-imbursement from other employers in proportion to the amount of his loss (a new provision). The period within which claims for the payment of contributions and the right to establish the existence of claims for premiums expires is three years. An employer who is bound to pay the premiums has a right to deduct the employee's share from his salary. Premiums paid unlawfully, and also premiums paid in arrears, are charged with 4 per cent. interest : in this connection (a

new provision), in the former case the re-imbursement of the part due to the employee must be paid, at his request, direct to himself. The payment of premiums in arrears may be judicially enforced, and, in case of bankruptcy, are placed in the same preferential position as arrears of taxes. Failure to recover arrears does not, in general, result in the loss of the claims arising out of the insurance.

XI. *The Administration of the Insurance* rests, as formerly, with the Pension Institution and its local offices. The insurance may be effected in a recognised substitute institution or by substitute contracts. In order that a substitute institution may in future be recognised, it is necessary that the value of the claims secured to persons compulsorily insured and their dependants (calculated in accordance with the technical principles of insurance) shall exceed by at least one-fifth the value of the rights granted by the Pensions Institution, for which purpose the rights to invalidity, old age, and widows' pensions and to educational bonuses must not, in any case, be less than a minimum amount fixed for the salary class for the time being, and settlements for a sum down must be in accordance with the Imperial Order. The contributions of members for whom insurance is compulsory must not exceed the sum corresponding to the benefits guaranteed, use being made of the principles of calculation and of the formula for the distribution of burdens drawn up by the Pensions Institution.

Permanent courts of arbitration, representative of both parties, which are established in connection with each of the provincial offices of the Pension Institution, have the duty of deciding claims raised by the insured persons or the members of their families against the insurance institutions.

All regulations respecting the pension insurance are of a compulsory nature. Provision is made for fines not exceeding 1,000 kr., or imprisonment for a term not exceeding three months, in the case of incorrect notices being given by the employers or employees, and of failure to give notice, without prejudice to the application of the general penal law where this is warranted by the circumstances.

The transitory provisions contemplate the possibility of concluding international agreements to deal with mutual relations arising from the pensions insurance.

The 1st October, 1914, was intended to be the date when the Imperial Order should come into force ; but, in view of the outbreak of the European War, an Order, dated 24th August, 1914, provided *inter alia* that the employees and their dependants should begin to benefit under the Order of 25th July, 1914, as early as 1st August, 1914. The titles of various Ministerial Orders on points of detail in connection with the employees' insurance will be given in the index to this volume.

War Measures in regard to Labour Legislation

I. International

Arrangement entre l'Italie et l'Allemagne au sujet du traitement des ressortissants réciproques et de leurs biens durant l'état de guerre. 12-21 mai 1915. (French text : Journal de Genève, 19th July, 1916 ; German translation : Frankfurter Zeitung, 20th July, 1916.)

Arrangement between Italy and Germany respecting the reciprocal treatment of the subjects of the two States and of their property during the state of war. Dated 12th–21st May, 1915.

[EXTRACT.]

3. Italians in Germany and Germans in Italy shall, moreover, retain their private rights and the right to uphold their interests before the courts, without any restrictions beyond those applicable to neutrals resident in the country in question. In consequence their personal property shall not be the subject of sequestration or liquidation proceedings except in the cases contemplated in the laws applicable. In addition, they shall not be compelled to sell their land. . . .

Contracts concluded before or after the outbreak of war, and existing contractual relations of whatever kind, between Italians and Germans may be dissolved, declared void, or suspended in the cases contemplated in the general law. The amount of compensation payable in accordance with the existing provisions in the case of the dissolution of a contract, shall not exceed the amount of the actual loss incurred by the parties concerned.

The subjects of either of the two States shall continue to enjoy the benefits provided in the laws in force in the other country in the matter of social insurance. The power to take advantage of the rights in question shall not be restricted in any manner.

5. This agreement shall apply to the territories occupied by the military authorities of either State, as well as to their Colonies and Protectorates.

II. Norway

Lov av 9 Juni 1916 om tvungen voldgift in arbeidstvister.

Act respecting compulsory arbitration in industrial disputes. Dated 9th June, 1916.

I. (1) If the King is of opinion that a dispute between a trade union and an employer or an employers' association respecting conditions of work or wages, or other matters affecting the work, is liable to endanger important public interests, he may order that the dispute shall be settled by arbitration.

(2) When the King decrees that a dispute shall be settled by arbitration he may likewise prohibit the starting or continuation of a strike or lock-out in connection with the dispute (*cf.* §5).

(3) Until the arbitration award is issued the conditions of work and wages obtaining on the outbreak of the dispute shall remain in operation unless the parties come to any other agreement.

2. (1) The Court of Arbitration shall consist of a President and four other members.

(2) The King shall appoint for each case the President of the Court and two of the members of the same and substitutes for them. The Workers' National Trade Organisation and the Norwegian Employers' Federation shall each appoint one member with a substitute. The appointments shall be made within a time limit to be fixed by the King. If this time limit is exceeded the appointment shall be made by the King.

(3) Every Norwegian subject shall be liable to take office.

(4) No person shall serve as a member of the Court of Arbitration before he has taken an oath in writing that he will fulfil his duties conscientiously. The oath shall be sent in to the Government Department concerned. The King shall determine the text of the oath.

(5) The remuneration of the members shall be fixed by the King. When travelling they shall have the right to an allowance for board and lodging in accordance with the Act of 10th July, 1894. The allowance for board shall be that fixed for the first class in §17 of the Act.

3. (1) As soon as the members of the Court are appointed the President shall fix the time and place for the consideration of the case, and shall prepare summonses to the sitting of the Court with such notice as he finds expedient. The case shall be dealt with as promptly as possible.

(2) A member of the Court of Arbitration shall be incompetent to act in the same circumstances as a judge in ordinary civil cases. If there exist other special circumstances which are liable to undermine confidence in a member's impartiality. he shall likewise give up his seat. A question of this kind may be raised either by himself or by the parties. The Court shall decide whether any member shall give up his seat as being incompetent to act.

(3) The parties may appear in person or by authorised reprsentatives. Not more than three persons shall appear for either side. Representatives of the parties must be of full age, be Norwegian subjects and not have forfeited their right to vote on public matters or to be admitted to the public services. The Department concerned may, nevertheless, allow exemptions from the rule that the representatives of the parties must be Norwegian subjects. The power of attorney must be unrestricted.

(4) The president shall conduct the proceedings. The case shall be dealt with and the evidence taken in the manner that the Court thinks proper. The principal proceedings shall be oral, unless both parties agree to written proceedings and the Court sees no objection to this course. The provisions of §§120 and 124 of the Law of Penal Procedure shall apply correspondingly.

(5) The proceedings shall be in public unless the Court decides to exclude the public. The proceedings shall be *in camera* if they touch upon the secrets of a business or association or other matters of which outsiders ought not to have knowledge. The parts of books produced which do not affect the case may be sealed by the Court.

It shall be the duty of any person who has been present at proceedings *in camera* to observe secrecy on the matters dealt with unless the Court allows

them to be made public. Contraventions of the obligation to observe secrecy shall be punished by fines.

(6) The Court may call for declarations from the parties, experts and other persons whose evidence may be of importance in the case. The regulations of the Law of Penal Procedure respecting the compulsory attendance of witnesses in cases before the Lagmand Courts (lagmandsret) respecting the obligation to make declarations on oath and to serve as experts, and respecting the liability of witnesses and experts to penalties or costs, shall apply correspondingly.

(7) The Court may require the production of documents, business books and other documentary evidence over which one party, or any person bound to give evidence in the case, has control. A party or witness may be enjoined to examine account books or other documentary evidence and to make notes on them and bring them with him. Failure on the part of a person bound to give evidence to carry out the orders of the Court shall be punished by the abrogation of the right to give evidence.

(8) The Court may undertake inspections or inquiries either itself or through one or more of its members or appointed experts. In this connection implements may be required to be used, machines to be started, and methods of work demonstrated.

(9) The Court may require evidence to be taken by any of the general inferior courts. The taking of evidence shall be effected as promptly as possible if necessary by means of an extra Court. The judge shall, on his own initiative, make the necessary arrangements. The witnesses shall be given one day's notice. The parties shall only be summoned to attend if this is required in the application.

(10) The Court may procure the necessary information and decide on a dispute even if one or both of the parties are absent.

4. (1) The decisions of the Court shall be made by a majority of votes. The award shall be pronounced as soon as possible after the proceedings are closed. It shall be signed by all the arbitrators.

(2) Without the consent of both parties no arbitration award shall be made to apply for a longer term than three years.

(3) An arbitration award made under this Act shall be final and shall have the same effect as a collective agreement. (*See* the Act respecting industrial disputes, dated 6th August, 1915,* §§3-5, *cf.* 6 and 40.)

(4) A person, not being a party, may object to a decision requiring him to make a declaration, oath or asseveration, to produce documents or to demonstrate, submit or give access to other things or to serve as expert, or which renders him liable to a penalty or costs. The parties may object to a decision which renders them liable to a penalty.

Notice of an objection must be given immediately if the person concerned is present in the Court, and otherwise at latest three days after he has been notified. If any person has appeared as respondent or can be regarded as respondent, he shall be notified of the objection. The objection shall have suspensory effect in respect of the person raising the same.

The president shall without delay send the notice of objection, with the necessary documents and extracts to the Objections Committee of the Supreme Court. The Court, the person raising the objection, and other persons affected thereby, may present written observations on the matter. If facts are relied on which have not been mentioned previously the observations shall always be sent in through the Court.

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* Text E.B. X., p. 308.

(5) No fees shall be payable for the hearing of a case by the Court of Arbitration and for the taking of evidence for use in any such case.

5. (1) Fines of from 5 to 25,000 kr. may be imposed upon :

(*a*) Any person who initiates or continues a lock-out or takes part in a strike or the continuation of a strike contrary to the prohibition contemplated in §1. A person who acts on behalf of an employer shall be punished unless the employer himself is convicted ;

(*b*) The members of the executive of a trade union or an employers' association who co-operate in a strike or lock-out contrary to the prohibition contemplated in §1, by participating in a resolution to initiate, continue or approve a cessation of work or to support it by payments from the association's funds, or who order such a cessation of work, or collect or distribute contributions towards its continuance. The same shall apply to the members of other authorities of an association and the officials of the same.

(2) The proceedings shall be taken by the public authorities at the instigation of a trade union, employer or employers' association injured by the cessation of work, or of the Government Department concerned.

(3) The award may provide that, in the case named in (1) (*b*) the association concerned shall be liable for the fines. This shall, however, not apply if the guilty party has acted contrary to the rules of the association or resolutions which have been drawn up in its name.

(4) Fines contemplated in this Section may be imposed again if two weeks have elapsed since the sentence was pronounced and the convicted party has within this period committed an offence in relation to the unlawful cessation of work in the manner named under (1). The same shall apply when two weeks have elapsed since the second sentence was pronounced, and so on.

6. (1) This Act shall come into force immediately, but shall only apply to industrial disputes which have arisen or may arise during the present European War.

(2) More detailed regulations for the administration of this Act may be issued by the King.

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Central Office: BASLE, SWITZERLAND.

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1. To serve as a bond of union to all who believe in the necessity for Labour Legislation.
2. To organise an International Labour Office.
3. To facilitate the study of Labour Legislation in all countries and to provide information on the subject.
4. To promote international agreements on questions relating to conditions of labour.
5. To organise International Congresses on Labour Legislation.

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